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of all Forms of Discrimination
Against Women

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

MEXICO

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1. The Convention on the Elimination of All Forms of Discrimination against Women was approved by the United Nations General Assembly in resolution 34/180 of 18 December 1979 and entered into force on 3 September 1981 in accordance with Article 27 of the resolution.

2. In connection with this report by the Government of Mexico Articles 17 and 18 of the Convention should be noted. The former establishes a Committee to consider the progress made in the implementation of the Convention and the latter makes it incumbent on States Parties to submit, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect. The report must reach the Secretary-General within one year after the entry into force for the State concerned, and thereafter at least every four years and further whenever the Committee so requests.

3. This report is therefore submitted in compliance with the international commitment to do so and relates to the pertinent Articles of the Convention.

The preamble of the Convention refers to the relevant international instruments which have been adopted in various fora, both in the United Nations and in the specialized agencies, designed to promote and achieve equal rights for men and women; it also refers to the need to achieve this equality in international activities such as the new international economic order, disarmament, the eradication of apartheid and to the effects of discrimination on the political, social, economic and cultural life of a country, and places particular emphasis on the supreme importance of family life.

## PART I

4. Article 1 of the Convention defines "discrimination against women" as follows:

> "For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

It is not the purpose of this report to comment on the content of this Article but to take it as a basis for establishing whether there is any distinction, exclusion or restriction pertaining to human rights and fundamental freedoms on the basis of sex, which prejudices or nullifies the enjoyment or exercise of those rights or freedoms by women in any area of activity.

5. Article 2 of the Convention assumes that States Parties to the Convention condemn discrimination against women and, with a view to eliminating it, undertake to adopt specific measures, including various State activities.

Among those mentioned, some such as those in subparagraphs (a), (b), (f) and (g) fall under the legislative power, others such as (c) and (g) come particularly under judicial provisions and others again fall within the competence of the public authorities and institutions or of organizations and enterprises which may affect the executive power. Obviously, the above divisions are simplistic, as some of these activities may be interrelated. On this subject, the Convention reads as follows:

"(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

"(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

"(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

"(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

"(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

"(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

"(g) To repeal all national penal provisions which constitute discrimination against women."

The various characteristics of State activities are laid down in general terms and it can also be noted that these measures as a whole are of a general nature forming guidelines within a State policy designed to eliminate discrimination against women.

6. Subparagraph (a) of Article 2 requires that States undertake:

"To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle."

With regard to Mexico, various articles of the Constitution lay down, either explicitly or implicitly, that men and women are equal by not making, establishing or indicating any difference concerning the recognition, enjoyment or exercise of essential rights.

Article 1 of the Constitution begins by stating that in the United Mexican States every individual shall enjoy the rights granted by the Constitution and makes no distinction between those individuals, who shall all have equal rights.

With respect to education, for example, Article 3 of the Constitution states that it shall help to improve human relations, both by the contribution it makes in strengthening the student's belief in the general value of society, along with an appreciation of human dignity and family integrity, and by the care it takes to maintain the ideals of fraternity and equality of rights for all men, while avoiding any privilege contingent on race, sect, group, sex or any particular individual.

Equality in the eyes of the law is enshrined in Article 4 of the Constitution which states that men and women are equal before the law. The law shall protect family organization and development.

All persons have the right to decide in a free, responsible and informed manner on the number and spacing of their children.

It is the duty of the parents to maintain the rights of minors to have their needs and their physical and mental health attended to. The law shall determine measures for the protection of minors in the care of public institutions.

With respect to employment, Article 123 lays down that everyone without distinction has the right to dignified and socially useful employment and that for equal work, equal pay is due, without distinction as to sex or nationality.

These examples of constitutional provisions demonstrate how the supreme legislation in Mexico lays down equality of rights for men and women and, consequently, the secondary laws or regulations on the various articles of the Constitution do not contradict it in any way because this equality goes beyond the actual legal provisions which govern human actions in such a way as to achieve this aim of the principle of equality.

7. Under subparagraph (b) of Article 2 of the Convention, States undertake:

> "To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women."

In discussing the previous subparagraph, it was already noted that the Constitution guarantees equality between men and women; the laws implementing the articles of the Constitution (Civil Code, Penal Code, Federal Labour Act, etc.,) put this into effect through the established procedures prohibiting any form of discrimination, since otherwise constitutional and legal order would be infringed. In the event of any secondary provision containing a discriminatory provision, it would be the duty of the competent court implementing the laws to ensure that they were appropriate and, if a legal provision were proven to be unconstitutional, it should not be implemented.

In addition to the adoption of certain legislative measures, in accordance with the scope of the authorities, the subparagraph also contains an undertaking to adopt "other measures" aimed at prohibiting discrimination against women; in practice, these measures, for example, of an executive or administrative nature, could be taken but it must nevertheless be made clear that in Mexico existing or future provisions must be in keeping with the spirit and the letter of the Constitution which, as we have seen, prohibits discrimination on the basis of sex.

8. Whereas subparagraph (b) referred to the prohibition of discrimination against women and granted them certain rights, subparagraph (c) establishes legal protection of those rights. It indicates that States undertake:

"To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination."

Once equality between men and women has been legally guaranteed, in the event of dispute the courts must apply the law and make judgements appropriate to each particular case.

The subparagraph refers to legal protection by competent national tribunals and other public institutions. Since the States Parties agree to take certain action, national tribunals must be taken to mean competent tribunals having federal jurisdiction because of the political structure of the country; that those designated as "competent" under subparagraph (c) are the ones having jurisdiction over the federal entities, and that the "other public institutions" designated can be interpreted as meaning a certain type of institution which, although not theoretically of a judicial type in general, is charged with specific questions when disputes arise between capital and labour which must be submitted for a decision to a conciliation and arbitration board.

9. Subparagraph (d) of Article 2 of the Convention requests States:

"To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation."

With equality of rights between men and women guaranteed and legal protection before the tribunals assured, this subparagraph of the Convention attempts to ensure that these rights and guarantees for women are observed by the authorities; in fact, the public institutions form part of the State machinery and their conduct must be deemed to be that of the authorities and governing body.

In this respect, the General Constitution of the Republic has established a veritable judgement - rather than an appeal - called the protection judgement, laid down in Article 103, of which part I states that the tribunals of the Federation will settle any controversy which arises from laws or actions of the authority which violate individual guarantees.

Through this supreme recourse, the Mexican State not only guarantees that the authorities respect the rights and fundamental freedoms of women but that if these rights and freedoms are violated, women can resort to the tribunals and ask that the authority responsible, whatever its level, be forced to restore to the person concerned her rights and fundamental freedoms.

10. In addition, subparagraph (e) of Article 2 of the Convention deals with the elimination of discrimination against women by persons, organizations or enterprises, and lays down that States must take: "all appropriate measures to eliminate discrimination against women by any person, organization or enterprise."

Whereas subparagraph (d) prohibits any act or practice of discrimination against women by public authorities and institutions, subparagraph (e) prohibits it by persons, organizations or enterprises.

It should be noted that on this issue, the specific laws governing human conduct prohibit discrimination in their relevant article in such a way that if a person, organization or enterprise breaks the law and commits discrimination in employment or a civil or administrative matter, for example, the relevant regulation can be invoked so that the competent authorities can remedy the matter. If the conduct entails violation of the fundamental rights and freedoms of women in such a way that it may constitute an offence under the Penal Code, it would be punished with the appropriate penalty.

11. Subparagraph (f) of Article 2 of the Convention lays down that States undertake: "To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."

Whereas the previous subparagraphs attempt to lay down rules prohibiting discrimination against women, guaranteeing their rights and forcing the authorities or individuals to observe them, subparagraph (f) assumes the existence of discriminatory laws, regulations, customs and practices which must be abolished. On this matter, of course, it would be possible to consider the substantive differences relating to the four types of question. For the present, it suffices to say that the Constitution states in a permanent form that the legislative power can initiate, formulate, interpret, reform or repeal laws or decrees in accordance with procedures established in the regulations. In this way, the State facilitates the matter and the executive power can take the initiative in originating legislation.

With respect to the regulations mentioned specifically in the subparagraph under discussion, the Constitution indicates that the President has the power and duty to issue them, thus complying with the methods prescribed for the matter.

The situation is different for the so-called "customs and practices" which can be deemed to include those attitudes and activities in daily life having a traditional value or a sociological interpretation and which thus escape to some extent from State legislation; nevertheless, these customs and practices may not directly affect women's recognized and protected rights, otherwise the persons responsible can be made to respect those rights.

Sometimes it may be necessary, in order to change or abolish customs and practices, to institute appropriate social changes in beliefs and a mental adaptation rather than a legislative process. Naturally, this task can be directed by the State, but it must be realized that the benefits will only be seen very gradually.

12. Finally, subparagraph (g) of Article 2 of the Convention places an undertaking on States: "To repeal all national penal provisions which constitute discrimination against women."

Reference to the different topics covered in the various subparagraphs of this article will show that, for Mexico, the matter has been settled by law; starting with the General Constitution of the Republic, equal rights for men and women are proclaimed and guaranteed. Consequently, apart from the permanent facility of the Legislative Power to derogate any penal provision, where there exists any punishment which might be discriminatory against women, a woman affected may appeal so that judges can modify or repeal the sentence which has been passed on her.

13. Article 3 of the Convention states that:

> "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

Regarding the political field mentioned in Article 3 of the Convention, Article 34 of the Constitution of the United Mexican States lays down that those men and women who, in addition to being Mexican, fulfil the following conditions:

I. Have reached the age of eighteen and,

II. Live honestly

are citizens of the Republic.

Article 35 of the same instrument states that citizens have the right to:

I. Vote in public elections;

II. Be elected to any post in the public elections or be appointed to any other post or position provided he/she holds the qualifications required by the law;

III. Associate to discuss domestic political questions..."

These articles follow on logically from Article 4 of the Constitution which, as already stated, establishes legal equality by stating that men and women are equal before the law.

As for the other fields mentioned in Article 3 of the Convention, it can be noted that early in 1974 a new General Population Law entered into force which conceives of the population question as being a phenomenon inherent in the social and economic development of the country. Article 1 of the new law states that the provisions of the law are a matter of public order and general observance in the Republic. Its purpose is to regulate the phenomena affecting the size, structure, dynamism and distribution of the population in the national territory, with the aim of achieving its fair and equitable participation in the benefits of social and economic development. And Article 3 part V adds that for the purposes of this law, the Secretariat of the Interior shall promulgate and implement, or instigate before the competent departments or relevant bodies, the measures necessary for:

V. Promoting the full integration of women into the economic, educational, social and cultural process.

14. Article 4, paragraphs 1 and 2, of the Convention, in an attempt to speed up equality between men and women, reads:

"1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

"2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory."

Paragraph 1 of Article 4 is based on a premise which does not exist in Mexican Law, namely that of de jure inequality between men and women, because while equality is being achieved, it requests States to adopt temporary special measures aimed at accelerating de facto equality.

This report has shown on a number of occasions that Article 4 of the Constitution of the United Mexican States considers that men and women are equal before the law. Since, therefore, legal equality exists it is not possible to adopt special measures aimed at accelerating de facto equality between men and women, since this equality has already been achieved by means of constitutional or substantive measures. Furthermore, one of the characteristics of the laws in our legal system is precisely that they shall have general and not specific import, and the Constitution including penal matters prohibits, for example, the enactment of laws of an exclusive nature; hence the Mexican Government, by striving for and achieving legal equality between men and women, has obviated the need for the measures mentioned in paragraph 1 of Article 4.

With reference to paragraph 2 stating that the adoption of special measures, including those measures contained in the Convention aimed at protecting maternity, shall not be considered discriminatory, it is relevant to note that the State of Mexico is concerned with everything pertaining to the family as an institution and must therefore protect maternity. Article 4 of the Constitution which has already been mentioned states that the law shall protect the organization and development of the family, and the subsidiary laws lay down provisions on employment, social security, penal and civil matters, etc. both for women about to bear children and for the children themselves.

Paragraph 2 of Article 4, however, merely lays down an exception in favour of women so that measures protecting maternity shall not be considered discriminatory. This same criterion holds good in Mexican laws which are aimed at safeguarding family organization and development.

Article 5 of the Convention states that:

"States Parties shall take all appropriate measures:

"(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

"(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases."

16. Subparagraph (a) of Article 5 requires States to eliminate prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

It has already been shown that the State (of Mexico) has legally established equality between women and men; we have also shown the essentials on which education must be based in the Republic; hence these two factors or elements, legislation and culture, are the ones which could be used for the elimination of certain prejudices and customary practices which, either openly or surreptitiously, can imply superiority or inferiority of either of the sexes, or that specific activities or functions might be considered at social and cultural level to be the exclusive province of either men or women.

It has also been indicated elsewhere that the State can take care, as it has done, in guiding public opinion when it has deemed necessary by promoting certain employment opportunities traditionally reserved for men, by proposing women for posts in the public sector and in permitting women, without any restrictions, to fill any post in the public or private sectors without any limitations other than that imposed by the law on men and women equally. It has thereby eliminated the problems mentioned in this subparagraph.

As has also been noted already, the modification of the socio-cultural patterns of a community requires especially, in addition to legal provisions and an appropriate cultural process, the time needed for the population to realize the benefits inherent in abandoning prejudices and earlier practices and to accept, adopt and support the new situation. Furthermore, it is also true that the rapid increase in present communications, the ease of scientific and technical exchanges, the experiencing of correct ideas from other places may permit this modification to take place more quickly and extensively. It can be shown from the latest statistics that women are now occupying jobs which they did not do before, that the number of those concerned is increasing steadily and this can only reflect the fact that daily there is increasing acceptance of the equal role with men at all levels that women are attempting to achieve.

17. Paragraph (b) refers to maternity as a social function and recognises the common responsibility of men and women in the upbringing and development of their children, stressing that the interest of the children is the primordial consideration in all cases.

Paragraph (b) of Article 5 of the Convention requests, inter alia, that "family education includes a proper understanding of maternity as a social function." The wording proposed offers three possible interpretations: that the State should provide education for the whole family as a unit, which is not a completely satisfactory educational concept; that education should be imparted in the family and by the family itself, which denies the State its proper function, or finally, what would seem to be the alternative desired, that the education given about the family or in relation to it in educational institutions should include "a proper understanding of maternity as a social function."

It has already been stated earlier in this report that the first paragraph of Article 4 of the Constitution provides that men and women are equal before the law, and that the law will protect family organization and development.

Mexican law at the highest level, namely the Constitution, states that the family, the family nucleus, is the very cornerstone of society by saying that the laws governing human conduct will protect the organization and development of the family; that is that the State is concerned to establish a system of rights and obligations relating to the family institution and to promote legally its physical and mental development because it is in the general interest and socially beneficial.

The aforegoing is confirmed by the following paragraphs of Article 4 of the Constitution which states that all persons have the right to decide in a free, responsible and informed manner on the number and spacing of their children and that it is the duty of the parents to maintain the rights of minors and to attend to their needs and their physical and mental health. The law shall determine measures for the protection of minors in the care of public institutions.

The above-mentioned paragraphs show, as does the text of the Constitution, that there is a common responsibility by the parents who must provide for all the wants of their children. This is also confirmed in the Civil Code which indicates the rights and obligations of the spouses to each other and also to their children.

The importance which Mexico attaches to the protection of minors is shown by the fact that the Constitution contains provision for public institutions to assist in this task.

18. Article 6 of the Convention provides that:

> "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

There are a number of aspects inherent in Article 6 and the problems involved in the various possibilities can be identified: there is traffic in women, exploitation of prostitution in women and also the attitude or approach adopted by the State, particularly with regard to the second problem.

With regard to procuring, the Penal Code for the Federal District and throughout the Republic in federal law contains three paragraphs constituting the offence. Article 207 of the Penal Code states that the offence of procuring is committed by:

I. Any person who habitually or unintentionally exploits the body of another person through sexual intercourse, is maintained by sexual intercourse or obtains from it any income whatsoever;

II. Anyone who induces or solicits a person to commit sexual intercourse with a third person or who facilitates the means of any person submitting to prostitution;

III. Anyone who runs, manages or maintains directly or indirectly a brothel, house of assignation or premises expressly devoted to prostitution, or obtains any income from their profits.

It can be observed that the Penal Code refers both to what the Convention deems to be traffic in women and to the problem of the exploitation of prostitution in women; it should be noted however that Article 208 of the same instrument provides for a greater penalty when the woman whose body is being exploited through sexual intercourse is a minor and that the penalty shall be applied to whomever conceals, abets or permits such intercourse.

Furthermore, States have adopted three different types of attitude to this problem: regulatory, prohibitionist or abolitionist. Mexico has adopted the abolitionist system as it is aware that a profound respect for human dignity is an integral part of human rights.

On 31 January 1940 the regulation of prostitution at Federal District level was abolished by publication in the Diario Oficial of a decree amending the Health Code (Codigo Sanitario) which has federal force. In all truthfulness, however, it must be admitted that there are still States in the Republic which maintain a regulatory system although attempts have been made to overcome the resistance still felt on the matter of the abolitionist system.

PART II

19. Article 7 of the Convention deals with the elimination of discrimination against women in the political and public life of the country. Its three subparagraphs refer to three instances: the right to vote in and to be eligible for election to all publicly elected bodies; to participate in the formulation of government policy and to hold public office and, finally, the right to participate in non-governmental organizations and associations.

20. The first paragraph and subparagraph of the Article read as follows:

> "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:
>
> "(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies."

It has already been explained under Article 6 that according to Article 34 of the Constitution, citizens of the Republic are those men and women who are Mexican, have reached the age of 18 and live honestly. Article 35 of the same instrument has also been mentioned which states that citizens have the right, inter alia, of voting in public elections, are eligible for election to all publicly elected bodies and for appointment to any employment or post, provided that they hold the qualifications required by the law, and that they have the right to associate to discuss national political matters.

Since women are citizens of the country, they are guaranteed the right to vote and to be eligible for election, i.e. they can vote in public elections or be elected to any post on equal conditions with men.

In this way the Political Constitution of Mexico guarantees women full political equality with men and this equality of treatment is embodied in the Federal Act on Political Organizations and Electoral Procedures (Ley Federal de Organizaciones Politicas y Procesos Electorales) which implements the articles of the Constitution mentioned.

The above-mentioned Act, known by the acronym LOPPE specifies these conditions of equality particularly in Articles 11, 12, 13 and 15 which lay down that:

Voting is the right and duty of a citizen. Voting is universal, free, secret and direct for all publicly elected posts. (Article 11).

In accordance with the provisions of the Constitution, the right to vote is held by Mexican citizens, men and women, who have attained the age of 18, are in exercise of their political rights, are registered on the electoral roll and are not under any legal impediment. (Article 12).

Citizens must:

I. Register on the electoral roll.

II. Discharge their electoral functions as required in an obligatory manner and without payment. Excuses or extenuating circumstances can only be accepted when proof is furnished to the body calling the election.

III. Vote in the elections in the district where they reside, except in cases specified in the Act and

IV. Discharge the functions to which they have been appointed by public election. (Article 13).

Citizens who fulfil the requirements laid down in Articles 55 and 58 of the Constitution are eligible under this Act for election as parliamentary deputies or senators in the Congress of the Union. Citizens who fulfil the requirements laid down in Article 82 of the Constitution and who comply with the terms of this Act are eligible for election as President of the United Mexican States. (Article 15).

Regarding the right to vote, Article 36 of the Constitution of the Republic should also be mentioned as it states that voting is not only a right but also a duty for citizens of the Republic, which, as we have seen, include women. Moreover, among the duties listed in this article are four of particular importance and relevance for the subparagraph under discussion. These are:

I. To be included on the Municipal register, showing property owned by the citizen, and the industry, profession or work which provides his livelihood; and to be listed on the electoral register in the form determined by the law;

III. To vote in public elections in the appropriate electoral district;

IV. To discharge functions to which they are publicly elected, at Federal or State level, which shall not be on a voluntary basis, and

V. To discharge public duties in the Municipality where they reside, including electoral and jury service.

It can be seen that women not only have the right to vote in public elections and referendums and to be eligible for all bodies whose members are appointed by public elections but that they must also discharge any functions to which they are elected.

21. Subparagraph (b) of Article 7 of the Convention states that measures shall be taken to ensure to women the right:

"(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government".

It should be noted that this subparagraph, in contrast to the preceding one, seeks to ensure participation in the formulation of government policy and the implementation thereof and also the right to hold public office and perform any public function at all levels of government. Whereas subparagraph (a) refers to the possibility of women being eligible for election by universal suffrage, subparagraph (b) does not lay down this requirement but refers to government policy, public office and public functions not necessarily dependent on the electoral process. Public office and public functions can be held through appointment in accordance with the competence of the appropriate State machinery.

The formulation of government policy is closely linked with the exercise of Executive Power which through its various departments prepares programmes, indicates priorities, entrusts to sectors or gives an overall indication of interrelations between them, in addition to laying down the aims or guidelines to be pursued.

Inasmuch as women play a role in the Executive Power and the Government in general, whether Federal or State, in all types of public office in which there is a legal duty and responsibility to participate, they also have the opportunity to participate in the formulation of government policy, as already mentioned. The following example can be cited: according to the latest census on working women in Mexico, the following numbers of women are employed in government offices in three cities in Mexico: Mexico City - 86,757, Gudalajara - 4,025, and Monterrey - 3,324.

22. Finally, subparagraph (c) of Article 7 requests States Parties to ensure to women the right:

"(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country."

It has already been explained that one of the rights of women as citizens is to associate in order to discuss national political questions. Referring to the election of members of the Legislative and Executive Powers, Part 1, Chapter 1, Article 1 of the Federal Act on Political Organizations and Electoral Procedures states that the Act guarantees the exercise of political rights of citizens, the organization, operation and rights of political parties of citizens, the organization, operation and rights of national political parties and associations and governs the preparation, running and supervision of ordinary and extraordinary elections held to elect the members of the Legislative and Executive Powers.

Article 19 of the same Act lays down that citizens shall be permitted to organize themselves freely in national political parties and form national political associations. Article 20 of the same instrument defines national political parties as typical forms of political organizations contributing to formulation of the political will of the people and assisting in constituting national representation through their activities in elections.

The Act also lays down what the actions of political parties should be and includes:

I. Promoting social communication and democratic participation of citizens;

II. Promoting the ideological training of militants;

III. Co-ordinating political activities in accordance with principles and programmes, and

IV. Stimulating discussion on common interests and national objectives with the aim of establishing permanent links between public opinion and the public authorities.

The LOPPE also refers to national political associations in chapter six and distinguishes between political parties which must comply with certain legal principles and enjoy certain rights and privileges, and associations of a general political nature which, according to Article 50, should complement the system of political parties, discuss ideas and spread ideologies and

consist of groupings of citizens. According to Article 51, national political associations are a form of political grouping which might become, jointly or separately, political parties and which contribute in developing better informed political opinion with a greater ideological content.

Article 52 indicates that any national political association maintaining its legal personality may participate in federal elections only by concluding articles of association with a political party. The candidature put forward by the national political association to the political party shall be registered by the latter and stand under the name, symbol and colour(s) of said party. Electoral propaganda may mention the association incorporated.

It should be noted that Article 51 recognizes that registered national political associations shall have legal personality and the rights and duties inherent in that status.

Finally, the Federal Electoral Commission, a permanent autonomous body having legal personality, responsible for ensuring that constitutional provisions on the matter are complied with, has the duty to encourage the formation of national political associations.

The above shows that women, as citizens of the Republic of Mexico, are guaranteed participation in non-governmental organizations and associations concerned with national public and political life.

23. Article 8 of the Convention refers to the rights of women at the international level, especially in participating in the work of international organizations. The article reads as follows:

> "States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations."

As drafted, the above paragraph may be interpreted as referring to relations which have traditionally been considered to be bilateral or multilateral between States.

In the State organization, Government representation is closely linked with the functions of the Executive Power which are laid down in the Federal Constitution of the Republic. In the Mexican Constitution, Article 80 states that the exercise of the Supreme Executive Power of the Union lies in the hands of one person who shall be called the President of the United Mexican States.

Article 90 of the Constitution states that to carry out the administrative business of the Federation there shall be a number of Secretariats, decided upon by the Congress which shall apportion the business to the various Secretariats.

It is the work of the department called the Secretariat for External Relations to deal with the country's international relations and to direct the diplomatic and consular aspects of the foreign service in accordance with the Act on the Mexican Foreign Service.

With regard to Government representation at international level, Article 89 of the Constitution of the United Mexican States lays down specific facilities and duties for the President including the following in paragraphs II, III, X and XVI which are relevant to this topic:

II. Freely appointing and dismissing the Secretaries in the President's Office the Prosecutor General of the Republic, the Governor of the Federal District, the Prosecutor General for Justice of the Federal District; dismissing diplomatic staff and senior treasury officers and freely appointing and dismissing other employees of the Union whose appointment and dismissal is not otherwise governed by the Constitution or the law;

III. Appointing ministers, diplomatic staff and consuls-general with the approval of the Senate;

X. Directing diplomatic negotiations and concluding treaties with foreign powers, and submitting them to the Federal Congress for ratification;

XVI. When the Senate is not in session, the President of the Republic can make the appointments mentioned in paragraphs III and IV with the approval of the Permanent Committee.

On the subject of diplomatic staff, Mexico has an Organic Law on the Mexican Foreign Service (Ley Orgánica del Servicio Exterior Mexicano); the service is a permanent State body which, in accordance with Article 1 of the Organic Law is specifically charged with representing it abroad and implementing the foreign policy of the Federal Government, as well as with promoting and safeguarding national interests in relations with foreign States and bodies and at international meetings.

It is clear from this Article 1 of the Organic Law on the Mexican Foreign Service that men and women have equal opportunities to belong to the Foreign Service and thus to have the chance to represent the Government as described in Article 1, without there being any difference in conditions of eligibility

or any discrimination. In fact, the basic conditions for being appointed as an ambassador or consul-general - the highest categories in the diplomatic and consular branches respectively - are laid down in Article 23: be Mexican by birth, in full enjoyment of civil and political rights, have reached the age of 30 and have the necessary qualities to be able to perform such duties effectively.

It can be seen that no other stipulation is made which would impede or prevent a woman from performing such duties.

On the same topic, mention should be made of Article 48 of the Organic Law which contains certain restrictions for the Members of the Foreign Service. Paragraph (e) stipulates that it is forbidden to marry a foreigner (in Spanish: "extranjero o extranjera") without the prior authorization of the Secretariat for Foreign Affairs.

The use of the masculine and feminine words for foreigner in the paragraph above shows clearly that entry into the Mexican Foreign Service is open to women as well as to men.

Finally, with respect to multilateral diplomacy, Article 46 of the same instrument states that one of the functions of heads of mission is:

> "(b) To represent Mexico in international bodies and at intergovernmental meetings and to act in accordance with instructions which they receive from the Secretariat for Foreign Affairs, as well as to keep the Secretariat informed as to the main activities of those bodies."

This provision complies with the obligation of the State to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at international level and to participate in the work of international organizations.

Article 9 of the Convention refers to the problem of women's nationality and indicates various possibilities. It reads as follows:

> "1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

"2. States Parties shall grant women equal rights with men with respect to the nationality of their children."

These paragraphs raise four fundamental problems: the acquisition, change and retention of nationality by a woman and the transmission of nationality to the offspring.

25. With respect to the acquisition of nationality, Article 9 requires that women shall have equal rights with men.

In Mexico, the basic law determining who has Mexican nationality is the Political Constitution; Article 30 recognises two types or forms of nationalty: first, original, or by birth and, secondly, by naturalization. The article states that:

Mexican nationality is acquired by birth or by naturalization.

A) Persons deemed Mexican by birth are:

I. Those who, irrespective of the nationality of their parents, are born in the territory of the Republic.

II. Those who are born abroad, and have at least one Mexican parent, either father or mother.

III. Those who are born on board Mexican ships or aircraft, whether military or merchant fleet.

B) Persons deemed Mexican by naturalization are:

I. Foreigners who obtain naturalization papers (Carta de Naturalizacion) from the Secretariat for Foreign Affairs.

II. A foreign woman or man who marries a Mexican man or woman and has or establishes domicile in the national territory. (Article 30).

It can be seen that Paragraph A of Article 30 combines the two criteria used traditionally in States' legislations to determine this matter, namely jus soli and jus saguinis. In fact, since nationality is the political and legal link between the individual and the State, the latter takes into account both criteria in granting or recognizing nationality. Thus jus soli is the basis for recognizing the nationality of the individual, whatever the nationality of the parents, in accordance with paragraph 1 of section A which admits birth on the territory of the Republic as a criterion and, by extension, birth on board a Mexican military or merchant ship or aircraft, as in paragraph II; conversely, paragraph II of the same section states that persons born abroad are deemed to have Mexican nationality if their parents, or either one of them, are/is Mexican, regardless of whether it is the father or the mother.

Section B of Article 30 lays down the provisions for foreigners to acquire Mexican nationality, if they so wish, by procuring from the Secretariat for Foreign Affairs a document called the "Carta de Naturalizacion."

Under the regulatory law on Article 30 of the Constitution, there are two procedures for obtaining the "Carta de Naturalizacion", one called ordinary and the other special, in accordance with the requirements of Article 9.

The paragraphs cited above show the various possibilities which exist in Mexican legislation: the first applies to all foreigners who wish to acquire Mexican nationality, and the second to persons having stronger links with Mexico since, in addition to applying for Mexican nationality, they have married a Mexican man or woman and have also established their domicile in Mexico or had already done so.

26. Although the cases indicated relate to the first problem raised in Article 9 of the Convention, it is relevant to study the situation regarding change, retention and loss of nationality.

Article 37, Section A, referring to nationality, lays down four specific cases for losing nationality which are:

I. By voluntary acquisition of a foreign nationality;

II. By accepting or using titles of nobility which imply submission to a foreign State;

III. By residing for 5 years continuously in his/her place of origin, after having become a naturalized Mexican, and,

IV. By having passed himself/herself off as a foreigner in any official context or by obtaining and using a foreign passport, after having become a naturalized Mexican.

It follows from the above Article that paragraphs I and II refer primarily to Mexicans by birth while the other two apply in cases of naturalization. The last two indicate that when the person concerned lives voluntarily for 5 years continuously in his/her place of origin or continues to pass himself/herself as a foreigner although Mexican by naturalization, or by using a foreign passport, that person has voluntarily severed his/her links with the country which had granted him/her nationality.

With respect to the first two paragraphs relating to nationality by origin, it should be stressed that Mexican nationality is lost by either a woman or a man if they decide voluntarily to acquire a foreign nationality, or accept or use titles of nobility implying submission to a foreign State since by so doing they are demonstrating their interest in acquiring links with that State. Therefore, the possibility mentioned in Article 9 of the Convention that marriage to an alien or change of nationality by the husband during marriage can automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband cannot occur; in other words, the woman may acquire Mexican nationality if she wishes; she could also change her nationality to acquire another one or retain the one she has already.

In connection with the aforegoing, and provided that the wishes of the person concerned are respected, there is also the case of foreigners who marry in Mexico. When one of the couple acquires Mexican nationality, the other acquires the right to have it also, provided that he/she applies for it. Article 20 of the Act on Nationality and Naturalization states that when foreigners marry, the acquisition of Mexican nationality by one of the couple, after the marriage, gives the other the right to obtain Mexican nationality, provided that he/she has or establishes domicile in the Republic and applies for Mexican nationality to the Secretariat for Foreign Affairs, making the renunciations referred to in Articles 17 and 18 of the present Act. The Secretariat for Foreign Affairs shall make the necessary declaration. (Article 20).

The renunciation referred to in Article 20 are with respect to nationality of origin, and to any submission, obedience or loyalty to any foreign government, as well as to any right to possess and use a title of nobility.

27. Paragraph 2 of Article 9 of the Convention reads: "States Parties shall grant women equal rights with men with respect to the nationality of their children."

Various questions are raised in this paragraph: the transmission of nationality by women as well as by men; the nationality of children who are still minors of naturalized Mexicans, and adoption.

With regard to the first question, transmission of nationality, both the Constitution of the Republic and the Act on Nationality and Naturalization affirm that, as well as those born on national territory or on board Mexican ships and aircraft, persons born abroad of Mexican parents, or where either the father or the mother is Mexican, are Mexican.

It will be seen that Mexican nationality is transmitted by either a man or a woman; when children are born abroad, they will have Mexican nationality if both parents are Mexican, but it is enough for either the father or the mother to be Mexican in order for the same legal effect to be produced.

A special problem arises for legislation when there are offspring, still minors, who are subject to the parental authority of foreign parents who become naturalized Mexicans; for the purpose of strengthening family unity, the Act on Nationality and Naturalization accepts the children as Mexican, by means of a declaration from the Secretariat for Foreign Affairs, on condition that they reside on the national territory, and without prejudice to the fact that the minor may, on reaching the age of majority, opt for his nationality of origin. The relevant article states that:

Children subject to the parental authority of foreigners who become naturalized Mexicans are deemed to be naturalized by means of a declaration from the Secretariat for Foreign Affairs, if they reside on the national territory, and without prejudicing the right of opting for their nationality of origin within one year of reaching the age of majority.

Adoption does not entail change of nationality for the adopted person. (Article 45).

The last line of Article 45 relates to the last point raised, adoption.

Under the terms of this article, adopted persons retain their nationality or, on reaching the age of majority, if they are foreign, they may opt for Mexican nationality or, if they are Mexican, they may decide to adopt the nationality of their adoptive father or parents.

## PART III

28. Article 10 of the Convention constrains States to take certain measures to avoid discrimination against women in the field of education. The article reads as follows:

> "States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

"(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

"(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

"(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

"(d) The same opportunities to benefit from scholarships and other study grants;

"(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

"(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

"(g) The same opportunities to participate actively in sports and physical education;

"(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

29. Subparagraph (a) above requests that States should, with the aim of achieving equality of rights between men and women in the field of education, take measures designed to provide the same conditions for men and women for:

1. Career and vocational guidance;

2. Access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas.

This equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.

First, it must be stressed that men and women have equal rights in the field of education at all levels and that the Mexican State has taken all necessary measures, especially constitutional ones, to ensure that men and women enjoy equal conditions in this field.

Indeed, Article 2 of the Constitution lays down the principles which apply to education throughout the Republic, thus including rural and urban areas, and stating that whether it is Federal, State or Municipal it shall promote the harmonious development of all human faculties and encourage both love for the homeland and an awareness of international solidarity, independence and justice. In addition Article 3, paragraph 1, subparagraph (c) states that education shall contribute to improving human co-existence, both by the ways in which it strengthens in the pupil an appreciation of the dignity of the person and the integrity of the family as well as the conviction of the value of society in general, and by the careful manner in which it upholds the ideals of fraternity and equality of rights for all men, without any privileges based on race, sect, particular groups, sex or individuals. This demonstrates that the rights of men and women in the field of education are and should be exactly equal.

As for ensuring the same conditions for career and vocational training guidance and, consequently, for access to studies and for the achievement of diplomas in educational establishments, it can be affirmed that the National Education System in Mexico, in accordance with the Federal Education Act, includes various types of education which can be separated into three levels called elementary, secondary and higher which can also be complemented by updating and specialization courses.

The first level comprises pre-school and primary education. The former is not legally compulsory but the latter, at which scientific subjects and social disciplines are taught, is compulsory.

The second level consists of secondary education lasting three years and given in various ways; it provides the education necessary to pursue more advanced study or to enter the world of work. This secondary type of education is therefore formative and final, and also includes the school leaving examination (bachillerato).

Higher education is the third level of national education; it prepares and trains the student for professions and follows on from secondary education. Higher education consists of first degrees, master's degrees and doctorates, and specialized technical studies. Higher education includes all levels and specializations of teacher training.

Now that the equality of rights of men and women in the field of education and of career guidance and vocational training has been proved, we can refer to the subject of obtaining all types of educational diploma which is covered by Article IX of the Public Education Act (Ley Orgánica de Educacion Publica) which states that one of the functions of education is to issue educational records and certificates and to grant academic diplomas and degrees.

This function makes no distinctions based on sex, nor is it the preserve of one sex in the Republic of Mexico.

Article 10, subparagraph (b) of the Convention states that men and women must have access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality.

Curricula are mentioned in Article 24 of the Public Education Act; paragraph II states that the educational function includes formulae, plans and curricula, procedures for assessment and guidance on the application of educational methods.

Educational plans, curricula and methods constitute one of the main components in the national education system; others are the people involved, both students and staff; educational establishments, text books, exercise books, teaching material, mass media methods and any other means used to impart education.

From the above, it is clear that education in Mexico does not differentiate between men and women with respect to quality, curricula, examinations, teaching staff and school teams which are the same for both sexes; this is confirmed by the principles expressed in Articles 48 and 49 of the Federal Education Act which lay down that residents of the country have the right to the same opportunities of access to the national education system, the only restriction being as laid down in the pertinent provisions. (Article 48).

To work in any of the types of education in the national system, teachers must satisfy the requirements laid down by the competent authorities. (Article 49).

Article 10, subparagraph (c) of the Convention deals with the problem of eliminating any stereotyped concept of the roles of men and women at all levels and in all forms of education. It suggests various methods: encouraging coeducation and other types of education which will help to achieve this aim; the revision of text books and school programmes and the adaptation of teaching methods.

Education provided by the State, whether at Federal, State or Municipal level, is invariably mixed since the pertinent laws, based on the Constitution of the Republic, strive to harmonize and develop the faculties of the human being in general, without distinction as to sex or individual and to ensure that the education given shall be national and without any hostile or exclusive element so as to contribute to the comprehension of our problems, the enjoyment of our resources, the defence of our political independence, the assurance of our economic independence and the continuity and spread of our culture.

Furthermore, the applicable Article of the Constitution, as we have reiterated repeatedly indicates that education shall contribute to improving human relations, both by the ways in which it strengthens in the student an appreciation of the dignity of the person and the integrity of the family as well as the conviction of the value of society, and by the careful manner in which it upholds the ideals of fraternity and equality of rights for all men, without any privileges dependent on race, sect, grouping, sex or individuals.

It can be seen from the above that in education the Mexican State tries to eliminate what the Convention calls a "stereotyped concept of the roles of men and women."

Although the State provides mixed educatic in the educational establishments under its jurisdiction, it also permits private individuals to provide education of all types and levels; in accordance with a constitutional order, this must be subject to the guidelines laid down by the Constitution and the pertinent laws.

Within the restrictions indicated, private individuals may run educational establishments exclusively for males or females, but they may not contravene the education philosophy of the State which has the right to refuse authorization, or to withdraw it if contraventions take place.

In connection with this, Article 24 of the Federal Education Act stipulates that the State's educational function includes ensuring that private education complies with the provisions of the law.

With reference to textbooks, Article 24 mentioned above states that another part of the educational function is to formulate study plans and programmes and assessment procedures and to suggest guidelines on the application of teaching methods. At the same time it must publish books and produce other teaching materials. On the latter subject, in Mexico the State publishes textbooks free of charge for the primary level which is compulsory; these books are subject to the provisions of Article 25 of the Act mentioned which empowers the Federal Executive Power, through the Department of Public Education to prepare and keep up to date free textbooks for primary education. (V).

Another primary function of the State in this field is to promote and programme the extension and facilities of the national education system, and to formulate plans and programmes for primary, secondary and higher education of all types and levels designed for workers and country people.

32. Article 10, subparagraph (d) of the Convention lays down that the State must grant men and women: "The same opportunities to benefit from scholarships and other study grants."

On this subject, there are four different possibilities: education being given in the Mexican Republic; education being given outside the national boundaries; State education within the national system and, finally, private education.

With regard to national education and the problem of scholarships and other study grants, Article 3 of the Constitution must be borne in mind: section VII states emphatically that all education provided by the State shall be free of charge. Therefore the question of scholarships or study grants from the State is irrelevant since all education is free anyway and all persons of either sex are therefore, in effect, receiving a scholarship. Also, as already explained, for primary education which is compulsory the State provides the necessary textbooks free of charge.

On the question of authorized private education at primary, secondary and teacher training levels and any type designed for workers and country dwellers, Article 35 of the Federal Education Act allows this authorization to be given only to persons who, being paid for their work, satisfy certain requirements including the one mentioned in section VI of Article 35 that scholarships must be allocated.

Referring to the international field which, in practice, is restricted to postgraduate studies, Article 25, section VII of the Federal Education Act states that the Federal Executive Power is responsible, through the Department of Public Education, for participating in the formulation of international co-operation plans in the field of education, research and cultural dissemination. Often international co-operation takes the form of granting scholarships for this purpose; in this field, there is no legal restriction for women who can apply for such scholarships provided they have the necessary academic requirements.

Furthermore, Article 38, section XII of the Federal Public Administration Act (Ley Orgánica de la Administracion Publica Federal) states that it is the responsibility of the Department of Public Education to grant scholarships so that students having Mexican nationality can carry out research or follow study courses abroad.

Special reference was made to the establishment of an adequate system of fellowships in the Report by the Government of Mexico (document E/1982/3/Add.8, paragraph 106 et seq.) as to the difficulties encountered since the system is having no significant effect on the economic conditions of the population. In this context, both the economic conditions and the high academic level and the cost of the fellowships and grants have been taken into account. On this basis the statutory documents permitting an adequate solution to the problem are under preparation.

Article 10, subparagraph (e) of the Convention states that there must be provided the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

This subparagraph indicates the State's duty to offer the same opportunities for access to continuing education. It has already been demonstrated that men and women have the same opportunities to enjoy educational development; in Mexico this has been outlined in an over-all development plan which attempts to integrate action in the public sector and persuade the social and private sector to orient the productive apparatus to the satisfaction of the population's basic needs. The over-all development plan includes as one part the National Education Plan and the "Education-for-All" Programme whose priority is to offer primary education to all children of school age in accordance with the Constitution.

The "Education-for-All" Programme, however, also gives special importance to extramural education in order to draw in millions of nationals, particularly adults, who are barely literate and have only a slight knowledge of Spanish.

For the purpose of making the benefits of education in Mexico attainable, the Federal Education Act was promulgated on 27 November 1973 and the National Adult Education Act was passed on 31 December 1975. The latter provides scope for study and accreditation by removing obstacles for all adult illiterates who wish to learn since they are now able to study without neglecting their routine occupations. There are in existence permanent basic education promotion and advisory services, and workers and their families are given the facilities they need to be able to study. This is laid down in Article 21 of the Act mentioned and, on the same topic, Article 26 states that males and females above 15 years of age in urban and rural areas shall be equally entitled to receive a basic general education.

Among the goals of the "Education-for-All" Programme there are activities designed to provide all Mexican children with primary education; to encourage the teaching of Spanish to all those who do not know it, and to expand adult education significantly by means of a major literacy campaign and also by seeing to it that people learning to read and write follow additional studies and become involved in cultural or training activities, or in productive occupations where they use their reading and writing skills.

34. Article 10, subparagraph (f) of the Convention relates to one of the most serious problems in education, dropping out; it reads: "The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely."

We have already said that education in Mexico comprises three levels: primary, which is compulsory, secondary and higher. Female students may drop out or leave at any of these levels. At the same time it must be borne in mind that primary and secondary education may be final; that is, their aim may be to train the student to start work.

Female student drop-out rates are generally linked with economic or social factors. In order to reduce the drop-out rate it would be absolutely necessary to eradicate the causes, but faced with the frequent impossibility of this, the State can contrive to offer opportunities of interest to those concerned and enabling them to vanquish the causes of their dropping out.

The State is aware that many women do not complete their education to these levels, thereby limiting their chances of improving the quality of their lives through their own efforts. Therefore, realizing that it is necessary for the economic and social development of the country for women to continue their studies within the framework of educational policies and programmes, the State has encouraged education by correspondence, and through the press, radio, gramophone records, television, the cinema and any other means of officially approved communication. In addition to providing education through these audio-visual channels, the State publishes textbooks as learning aids for these courses.

In addition, the Federal Public Administration Act (Ley Orgánica de la Administracion Publica Federal), states that the Department of Public Education, which under Article 38 of the Act is the appropriate responsible department, shall organize, promote and supervise vocational and training programmes in co-operation with Federal Government departments, State and Municipal authorities, public and private bodies as well as trusts set up for that purpose. To this end, it shall also organize open education vocational guidance and study accreditation systems. (XXVII)

Organize and promote activities for the full development and integration of young people into the national task, through the establishment of systems of social service, study centres, recreation programmes and attention to the problems of young people. Create and organize for this purpose special education systems for children, adolescents and young people needing them. (XXX)

35. Article 10, subparagraph (g) of the Convention relates to men and women having the same opportunities to participate actively in sports and physical education.

It has been stated repeatedly that education in Mexico, including physical education, is bound by the Constitution to try to contribute to greater human development by avoiding privileges based on race, sect, grouping, sex or of an individual nature. In other words, as laid down in Article 3 of the Constitution, education seeks to develop all the faculties of the human being harmoniously. Thus men and women are guaranteed the same rights and opportunities to participate in sports and physical education.

In speaking of sport, it must be made clear that we are referring to sport planned, organized, directed and supervised by the State and which comprises only physical education and non-professional sport.

The Federal Public Administrative Act referred to earlier states that it is the responsibility of the Department of Public Education to carry out the following duties, inter alia:

Deciding and organizing the official participation of the country in international sports meetings, organizing athletic parades and all types of sports events when this is not the specific responsibility of another Department of the Federal Government; (Article 38. XIII)

Co-operating in the work of the Sports Federation and maintaining the School of Physical Education; (XXIV)

Orienting the artistic, cultural, recreational and sports activities carried out by the Federal Public Sector; (XXVIII)

Organizing and promoting activities for the full development and integration of young people into the national task, through the establishment of systems of social service, study centres, recreation programmes and attention to the problems of young people. Create and organize for this purpose special education systems for children, adolescents and young people needing them. (XXX).

36. Finally, subparagraph (h) of Article 10 of the Convention lays down that they shall ensure to women, on a basis of equality with men: "access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."

On this subject, Article 4 of the Political Constitution of the United Mexican States lays down that men and women are equal before the law, that this will protect family organization and development and that every person has the right to decide in a free, responsible and informed manner on the number and spacing of children.

Furthermore, Article 5, Section IX of the Federal Education Act states that the education imparted by the State, its decentralized bodies and private bodies with authorization or officially accredited studies shall be subject to the principles laid down in Article 3 of the Political Constitution of the United Mexican States and shall have the following aims:

The promotion of awareness of the need for family planning with respect for human dignity and without impairing freedom. (IX).

37. Article 11 of the Convention deals with equality of men and women in the field of employment and reads:

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

"(a) The right to work as an inalienable right of all human beings;

"(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

"(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

"(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

"(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

"(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

"2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

"(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

"(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

"(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

"(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

"3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary."

38. In addition to individual guarantees, the Mexican Constitution of 1917 enshrines those of a social nature including those in Article 123 which, because they are in the Constitution, are protected against any violation by ordinary laws or administrative measures.

Article 11, paragraph 1, subparagraph (a) of the Convention advocates "the right to work as an inalienable right of all human beings." In our country, Article 123 of the Constitution was modified by a reform on 19 December 1978 laying down that in Mexico every person has the right to work.

Originally the first section of Article 123 of the Constitution stated that the Congress of the Union must, without contravening the following bases, promulgate labour laws which shall govern ... The reform consisted of the addition to this first paragraph of a clause stating that every person has the right to dignified and socially useful work and that to that end the creation of jobs and the social organization for work would be promoted, in accordance with the law.

From the above it is clear that it is recognized in the Mexican Republic that everyone has the right to work and that the State has undertaken to create jobs and set up the necessary social organization.

For its part, Article 3 of the Federal Labour Law which is compulsory throughout the Republic states that work is a right and a social duty. It is not an object of trade, it demands respect for the freedoms and dignity of anyone providing it and must be carried on in conditions ensuring life, health and an appropriate economic level for the worker and his family.

No distinctions shall be made between workers on the basis of race, sex, age, religious beliefs, political beliefs or social status.

Similarly, it is of social value to promote and supervise the qualifying and training of workers.

39. Article 11, paragraph 1, subparagraph (b) lays down the right of women to the same employment opportunities as men, including the application of the same criteria for selection in matters of employment.

It must be borne in mind that Article 123 of the Constitution consists of two parts: the first, A, governs labour relations between workers and employees through the Federal Labour Act and the second, B, relates to the same labour relations between civil servants and the Authorities of the Union and the Federal District Government which are regulated by the State Employees Act.

With specific reference to the subparagraph under discussion, we must mention Section XXV of Part A which states that the job finding service shall be free for workers, whether they are run by municipal offices, labour exchanges or any other official or private institution.

In providing this service, applications for work will be considered and, where conditions are equal, priority will be given to those who are the sole source of family income.

Undoubtedly the last part of the section cited aims at protecting the family resources and sustinence and therefore where conditions are equal preference is given to applicants who are the sole providers in a family group.

40. Subparagraph (c) states first that there must be the right to free choice of profession and employment. On this matter, Article 5 of the Constitution, first paragraph, states that no-one shall be prevented from following the profession, occupation, trade or employment which he/she wishes, provided it is legal.

This article of the Constitution is reproduced in Article 4 of the Federal Labour Act which specifies the exceptions to this provision which consist of two large groups connected with violations to the rights of a third party and to the rights of society.

Another of the rights included in subparagraph (c) is the right of women to promotion. In discussing subparagraph (b) we have already indicated some of the provisions on this topic contained in the Act; moreover, the Federal Labour Act contains Chapter IV on rights of preferential treatment, long service and promotion. Article 159 mentions the problem, stating that permanent posts, temporary posts of longer than 30 days and newly-created posts shall be filled from the establishment by a worker from the category immediately below the respective post or profession.

If the employer complies with the obligation to train all the workers of the category immediately below the vacant post, promotion shall be given to the worker who has proved himself the most suitable and has the longest service.

Where conditions are equal, preference will be given to a worker who is responsible for a family or, if there is still a tie, to the one who, on examination, proves to be the most suitable.

If the employer has not complied with the provisions of Article 132, part XV, (to provide qualifications and training for workers) the vacancy shall be filled by the worker with the longest service and, if there is a tie, by a worker with family responsibilities. In the case of newly-created posts for which there are no workers in the firm qualified, because of the specialized nature of the job, and where no pertinent procedure has been established in a collective contract, the employer can fill the posts freely.

In accordance with this Act, collective contracts shall lay down the form in which suitability is accredited and promotion is granted.

Another right stipulated in subparagraph (c) of Article 11 is the right to job security. The problem of security is connected with the provisions of the Act where an employee is dismissed because of the behaviour of the employer or the worker. Article 123 of the Constitution lays down the bases for implementing labour law and its Section XXVII Part A states that an employer who dismisses a worker without justification or because he has joined an association or union, or because he has taken part in a legal strike shall be forced either to complete the contract or to pay compensation of three months' salary, at the choice of the worker. The law shall determine the cases in which the employer shall be exempted from the obligation to complete the contract on payment of compensation. He shall also be obliged to compensate the worker with three months' salary when he loses his job because of the employer's lack of honesty or ill treatment, either to the employee or to his spouse, parents, children or siblings. The employer is not exempted from this responsibility when the ill treatment is given by his dependents or members of his family who are acting with his consent or tolerance.

On the worker's side, employment may be suspended or withdrawn and the law establishes whether or not the employer has responsibility. As an example, there is the case of the employment contract being suspended without any responsibility for either the employer or the worker when the latter contracts a contagious disease, or suffers an accident which is not labour-related, or the worker is arrested, held in custody, appears before State bodies, does not have the necessary documents, etc.

Chapter V, Article 46 of the Federal Labour Law stipulates that the worker or the employer may rescind the labour contract at any time, with justification, without incurring any responsibility.

Article 47 lays down the causes for rescission of the labour contract without responsibility for the employer and Article 51 gives those without responsibility for the worker. Article 47 states that the causes for rescission of the labour contract without responsibility for the employer are:

I. Deception by the worker or, where applicable, the union which proposed or recommended him by the use of false certificates or references attributing to the worker qualifications, skills or faculties he does not have. This cause for rescission shall cease to be valid thirty days after the worker has commenced employment;

II. Actions by the worker during his work lacking in honesty or integrity, acts of violence, threats, insults or ill treatment to the employer, his family or the managerial or administrative staff of the firm or establishment, except when acting on provocation or in self defence;

III. Commission of any of the actions enumerated in the preceding paragraph by the worker against any of his fellow workers if the result is to prejudice discipline in the place of work;

IV. Commission of any of the actions enumerated in paragraph II above by the worker outside the place of work against his employer, the latter's family or the managerial or administrative staff if they are sufficiently serious as to render it impossible to complete the labour contract;

V. The worker's deliberately causing, or intending to cause, damage during work to the premises, construction, machinery, instruments, raw materials or other objects connected with the work;

VI. The worker's causing serious damage of the type mentioned in the preceding paragraph, unintentionally, but through negligence so that his action is the sole cause of damage;

VII. The worker's compromising, through carelessness or inexcusable lack of care, the safety of the establishment or the persons in it;

VIII. The worker's committing immoral acts in the establishment or place of work;

IX. The worker's revealing production secrets or matters of a restricted nature, with damage to the firm;

X. The worker being absent more than three times over a period of thirty days, without permission from the employer, or due cause;

XI. The worker disobeying the employer or his representatives, without due cause, provided that it is in relation to the work he has contracted to do;

XII. The worker's refusing to adopt preventive measures or to follow the instructions given to avoid accidents or illness;

XIII. The worker's reporting to work in a state of intoxication or under the influence of any narcotic drug or stimulant, except on medical prescription for the latter. Before beginning work, the worker must inform the employer of the matter and show the prescription signed by the doctor;

XIV. The worker's being imprisoned, preventing him from fulfilling his labour contract, and

XV. Actions similar to those in the above paragraphs, equally serious and with similar consequences on work.

The employer shall give written notice to the worker of the rescission and the date and cause(s) thereof.

The notice must be given with the knowledge of the worker and, if he refuses to accept it, the employer must, within five days after the date of rescission, inform the competent Board of the matter, supplying it with the home address of the worker and requesting it to notify the worker.

Lack of notice either to the worker or to the Board is, in itself, sufficient for the dismissal to be considered unjustified.

Article 51 states that the causes for rescission of the labour contract without responsibility on the part of the worker are:

I. Deception by the employer or, where applicable, the employers' federation as to the conditions when offering the post. This cause for rescission shall cease to be valid thirty days after the worker has commenced employment;

II. Actions by the employer, his family or his managerial or administrative staff in the work context, lacking in honesty or integrity, acts of violence, threats, insults, ill treatment or other similar acts against the worker, his spouse, parents, children or siblings;

III. Commission of any of the actions referred to in the preceding paragraph by the employer, his family or workers, outside work if they are so serious as to make it impossible to fulfil the labour contract;

IV. The employer reducing the worker's wages;

V. Non-payment of the wages in accordance with the agreed or customary date or place;

VI. Damage to his work tools and equipment caused maliciously by the employer;

VII. The existence of a serious danger to the safety or health of the worker or his family, either through poor hygienic conditions in the establishment or because the legally compulsory prevention and safety measures are not complied with;

VIII. The employer's compromising, through negligence or inexcusable carelessness, the security of the establishment or those in it, and

IX. Actions similar to those in the above paragraphs, equally serious and with similar consequences on work.

Another right laid down in subparagraph (c) is the woman's right to all benefits and conditions of service.

Without going into details, it can be said that some of the rights to which women are entitled are linked with the question of security mentioned in another subparagraph of Article 11 of the Convention. Article 123, Part A, section XXIX of the Constitution states that the Social Security Act provides a public service and shall include security for disablement, old age, life, involuntary cessation of work, sickness, accident, day nursery services and any other facility to assist in the development and well-being of workers, country people, those with no regular income and other social sectors and their families.

In speaking of labour conditions, the third section of the Federal Labour Act must be mentioned which lays down conditions; Article 56 of Chapter 1 which lays down general provisions states that labour conditions shall in no case be worse than those set down in the Act and shall be consonant with the importance of the job and equal for equal work; there shall be no distinctions based on race, nationality, sex, age, religious or political beliefs, except as stipulated expressly in this Act.

Among the conditions mentioned in this Article of the Act, Chapter 11 is devoted to the working day, that is the time during which a worker is available to work for his employer. The chapter lays down the various work days, their duration, extension in special cricumstances and the restrictions to which the working day is subject.

The third section of the Act also stipulates the conditions for rest days: Article 69 states that for every six days that he works, the labourer shall be entitled to at least one rest day with full pay. The same chapter regulates the wage that shall be paid if for any reason this provision is not observed, and lays down the compulsory rest days.

Another condition laid down in the Federal Labour Act is the question of holidays for workers having more than one year of service; they are entitled to paid annual leave of not less than six working days, rising to 12 days, for each subsequent year of service. After the fourth year, the leave shall increase by two days for each five years of service.

It is laid down that wages may not be substituted for leave, that workers have the right to a bonus during a holiday period and that if the worker does not complete a full year of service he shall be entitled to payment in proportion to the period he has completed.

A further condition, perhaps the most important, relates to wages, that being the payment which the employer must make to the worker for his work.

The relevant chapter describes how the wage shall be fixed: on a time basis, for work done, per assignment or at a fixed price or in any other way, and also how this should be paid, that is the breakdown of payment by daily rate, gratuities, off-takes, housing, bonuses, commission, payment in kind and any other amount or payment made to the worker for his services.

Minimum salaries are dealt with in a special chapter covering the minimum payment which can be paid to the worker for a day's work. The minimum wage shall be enough to satisfy the normal material, social and cultural needs of a family wage-earner, and to provide for the compulsory education of his children.

The eighth chapter of the relevant section of the Federal Labour Act also mentions the right of workers to participate in the profits of the firm and stipulates how these profits should be shared and the norms to which workers' rights are subject in this matter.

Another right covered in Article 11 of the Convention is that of access to vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

Mexican law gives the worker in general the right to training irrespective of sex; Article 123, Section A, part XIII of the Constitution provides that firms shall be obliged, whatever their activities, to provide qualification or training for work to their employees, and that this matter shall be governed by the Federal Labour Act which shall lay down systems, methods and procedures for implementation of this provision.

In fact, Chapter III bis of the Federal Labour Act relates to the instruction and training of workers; they are entitled to have instruction and training provided by their employer, designed to improve their standard of living and the productivity of the firm in accordance with plans drawn up by the employer and the competent unions or the workers.

Under Mexican law, instruction or training may be provided within the firm or outside: in the former case by engaging appropriate staff, special instructors, or specialized institutions, schools or bodies. In the latter by acceding to general systems established by the Government through the Secretariat of Labour and Social Welfare for which the employers must pay the necessary fees.

As a general rule the instruction or training shall be given during the working day except where, in accordance with the nature of the work, the employer and the worker agree that it should be given otherwise, or where the worker wishes to train for a different job from the one he is doing, in which case training shall be done outside the working day.

The Act states that the purpose of instruction and training is to update and improve the worker's knowledge and skill at his job, and to provide information about the application of new technology in it. Therefore a female worker will have access to vocational training and retraining, particularly where new technological discoveries make it necessary to be familiar with previously unexplored possibilities.

A further objective of instruction and training is connected with preparing the worker to occupy a vacant or newly created post; it is then equivalent to an apprenticeship for the work needed in the new post. It should not be forgotten, however, that the general aim of instruction and training as indicated by the law is to improve the worker's skill and to prevent industrial risks and increase production.

In relation to the problem of apprenticeship and to protect the worker as much as possible, Article 153 G of the Federal Labour Act provides that during the time when a new starter needs initial training for the job he is going to do, he shall receive training and shall work in accordance with the general working conditions in the firm or as laid down in collective agreements on the matter.

41. Article 11, subparagraph 1 (d) of the Convention stipulates that women have the right to equal remuneration, including benefits, as well as equality of treatment in the evaluation of the quality of work.

With regard to remuneration, the Constitution states in Article 5 that no-one shall be forced to work without fair payment or without their full consent.

Furthermore, it has already been stated that the payment which the employer must make to the worker for his work must consist of not only the wages paid at a daily rate but also gratuities, taxes, housing, bonuses, commission, benefits in kind and any other amount or benefit given to the worker for his work.

On the subject of wages, Article 85 of the Federal Labour Act stipulates that it must be remunerative and never less than the amount fixed legally. In fixing the amount of wages, the quantity and quality of the work shall be taken into consideration. On this subject, Article 86 states that for equal work carried out in equal jobs, equal hours and equal working conditions equal wages must be paid.

42. Article 11, subparagraph 1 (e) of the Convention states that women must also have the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

It has already been indicated earlier in this report that Article 123, Part A, Section XXIX of the General Constitution of the Republic states that the Social Security Act provides a public service and shall include security for invalidity, old age, life, involuntary cessation of work, sickness and accident, day nursery services and any other facility to assist in the development of workers, country people, those without regular incomes and other social sectors and their families.

In Part B of the same article of the Constitution which governs relations between the Authorities of the Union, the Federal District Government and the workers, paragraph XI relates to the social security to which workers are entitled which must be organized in accordance with the following minimum bases:

(a) It shall cover industrial accidents and sickness; non-industrial sickness and maternity; and retirement, invalidity, old age and death.

(b) In the event of accident or sickness the right to work shall be retained for a time specified by the law.

(c) During pregnancy, women shall not carry out work requiring considerable effort and posing a danger to their health in connection with their pregnancy; they shall have compulsory leave for one month before the approximate date of the birth and for two months afterwards, and shall receive full salary and retain their jobs and any acquired labour rights. During lactation they shall receive two special half-hour rest periods a day to feed their children. In addition, they shall have medical and obstetric assistance, medicines, help in lactation and the day-care nursery service.

(d) Workers' families shall be entitled to medical assistance and medicines in the cases and quantity specified by the law.

(e) Holiday and convalescent centres shall be established as well as cheap shops for the benefit of workers and their families.

(f) Workers shall be provided with cheap housing, for rent or for sale in accordance with previously approved programmes. Moreover, the State shall establish through its contributions a national housing fund for the purpose of constituting deposits for workers and setting up a financing system to give cheap and adequate loans to workers to enable them to purchase comfortable and hygienic homes, or to build, repair, improve them or pay off debts contracted in that connection.

Contributions to this fund shall be paid in to the body responsible for social security and be regulated by the relevant laws as to the form and procedure for administering the fund and for granting and allocating the loans.

It must be made clear that members of the Army, Air Force and Navy are governed by their respective laws. Reference is made specifically in Part B, paragraph XIII of Article 123 of the Constitution to social security contributions for workers in these branches. Subparagraph (f) states that the State will pay on behalf of serving members of the Army, Air Force and Navy

the contributions mentioned in subparagraph (f) of paragraph XI of Part B, on similar terms and through the body responsible for social security of the members of these organizations.

To sum up what has been said so far, there is a national security scheme for workers with special systems for certain classes of workers such as civil servants, including branches such as the Army, Air Force and Navy.

It is easy to understand the reasons for this different treatment if we bear in mind that Social Security financing requires contributions from workers, employers and the State; this is not the situation for State employers since the State is then also the employer.

Once that is clear, for the purposes of the present report we shall take as a basis the Social Security Act which covers the labour relations of all workers; this is stated in Article 1 of the Act which lays down that the Act has general force throughout the Republic, in the form and terms established therein.

In Mexico social security, as indicated in Article 2 of the Act is designed to guarantee the human right to health, medical assistance, protection of the means of subsistence and the social services necessary to individual and collective welfare.

In accordance with Article 11 of the Act, the compulsory scheme comprises the following cover: I. Labour risks; II. Sickness and maternity; III. Invalidity, old age, old age retirement pensions and death, and IV. Day-care nurseries for the children of insured persons.

From the above list it can be seen that certain social benefits contained in Article 11, subparagraph (e) of the Convention such as retirement, sickness, invalidity, old age and other incapacity to work are included. In the case of Mexico, the two topics of job security and paid leave are not the province of social security but of labour law.

Frequently, the financial situations of countries, the level of industrial development and the general economic situation prevent them from organizing unemployment relief which operates in the nature of a true social benefit; the worker however is not abandoned when he has lost his job through no fault of his own, since the labour laws lay down the sum which he should be paid in compensation and this generally amounts to a minimum of three months' wages, the idea being that the worker can find a new job.

It has already been shown that the worker is entitled to paid leave and how the length and holiday bonus increases in proportion to the length of service.

43. Article 11, subparagraph (f) of the Convention relates to the right of women to protection of health and to safety at work, including the safeguarding of the function of reproduction. Since the second part of Article 11 gives details of the provisions and facts connected with maternity, reference will be made to the protection of health and safety in working conditions when commenting on the second part.

The Federal Labour Act which has force throughout the Republic stipulates certain general conditions with which employers must comply and which relate specifically to the protection of health and to the observance of safety and hygiene provisions in places of work.

Article 132 of the Act stipulates that employers must:

Install factories, workshops, offices and other work places in accordance with principles of safety and hygiene in order to prevent industrial risk and harm to workers, as well as adopt the necessary measures to avoid contaminants exceeding the maximum levels permitted in regulations and instructions issued by the competent authorities. To this end they shall, if necessary, modify installations as indicated by the competent authorities (XVI);

Observe the safety and hygiene provisions laid down by law and regulations to avoid accidents and sickness in work centres and, in general, in places where work is carried out; and have available at all times the essential medicines and treatment equipment indicated in instructions issued so as to provide timely and effective first aid; they must then immediately inform the competent authorities of each accident which occurs (XVII);

Affix visibly and circulate in work places the provisions of the safety and hygiene regulations and instructions (XVIII);

Issue their workers with the prophylactic medicines determined by the health authority in areas where there are tropical or endemic diseases or danger of epidemic (XIX).

44. Paragraph 2 (of Article 11 of the Convention) reads:

"In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures;

"(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status."

Article 123, Part A, paragraph V of the Constitution, referring to the situation of pregnant women, states that during pregnancy women shall not carry out work requiring considerable effort and posing a danger to their health in connection with their pregnancy; they shall have compulsory leave for one month before the approximate date of birth and for two months afterwards, and shall receive full salary and retain their job and any acquired labour rights. During lactation they shall receive two special half-hour rest periods a day to feed their children.

On the subject of the right to social security of State employees, the same concepts are contained in the same Article, Part B, Section 11 which states that social security for State workers shall be organized on certain minimum bases and subparagraph (c) reproduces the text cited above, adding that women shall also have medical and obstetrical assistance, medicines, help in lactation and the services of the day-care nursery.

Furthermore, the Labour Act contains a special section regulating work for women. In this section, Article 165 states that the basic premise of the whole section is the protection of maternity. Articles 166, 167, 170, 171 and 172 are also relevant.

Article 166 states that when the health of the mother or child is endangered during pregnancy or lactation, the women, without suffering any loss of salary, benefits or rights, shall not be required to do work of an unhealthy or dangerous nature, work at night after 10 p.m. in factories or commercial or service establishments, or work overtime.

Article 167 states that for the purposes of this section work is dangerous or unhealthy when, by its nature, by the physical, chemical or biological conditions of the environment in which it is done, or by the composition of the raw material used, it can affect the life and physical or mental health of the pregnant woman or the child.

The regulations shall determine the work included in the definition above.

Article 170 states that working mothers have the following rights:

I. During pregnancy, they shall not do work requiring a considerable effort and posing a danger to their health in connection with their pregnancy, such as lifting, pulling or pushing heavy loads which may produce vibration, stand for long periods or do anything which might affect or alter their physical or nervous state;

II. They shall have leave for six weeks before the birth and for six weeks afterwards;

III. The leave periods mentioned above shall be extended as necessary in cases where it is impossible to work because of pregnancy or after the birth;

IV. During lactation they shall have two special half-hour rest periods a day for feeding their children in a hygienic and appropriate place designated by the firm;

V. During the rest periods referred to in the paragraph above, they shall receive full salary. In the cases of extension mentioned in paragraph III above, they shall be entitled to fifty per cent of their salary for a period not exceeding sixty days;

VI. They can return to their job, provided that not more than one year has passed since the birth;

VII. The pre-natal and post-natal periods shall be included when calculating seniority.

Article 171 states that day-care nurseries shall be provided by the Mexican Social Security Institute in accordance with the pertinent Act and regulations.

Article 172 states that in establishments where women are employed the employer must provide sufficient seats or chairs for working mothers.

The second part of subparagraph (a), paragraph 2, Article 11 of the Convention prohibits dismissals on the grounds of marital status. It must be indicated that marital status of persons has no bearing on labour matters; this is made clear in the first sentence of Article 123 of the Constitution which states that all persons have the right to do dignified and socially useful work and, in line with this, Article 3 of the Federal Labour Act affirms that work is a social right and duty, is not a subject for trading, demands respect for the freedom and dignity of any person who works and must be carried out in conditions consonant with the life, health and an adequate economic level for the worker and his family.

Since the Constitution lays down and the law affirms that it is the right of any person, and that it demands respect for the freedom and dignity of anyone who works, the marital status of the worker whether single, married, widowed, etc. is irrelevant.

45. Next, Article 11, paragraph 2, subparagraph (b) of the Convention states that appropriate measures must be taken "to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances."

In describing the benefits to which women are entitled, we said that Article 123 of the Constitution stipulates that no work shall be done which constitutes a danger to health in connection with pregnancy, that they must have leave for six weeks prior to the birth and six weeks afterwards; that they must receive full salary and retain their jobs and any acquired rights.

In addition, Article 170 of the Federal Labour Law which has also been cited proscribes jobs requiring considerable effort, indicates that the leave periods of six weeks before and six weeks after the birth may be extended where necessary and mentions the right to 50 per cent of the salary for a period not exceeding 60 days and the right to return to the job provided that no more than one year has passed since the birth, and that the pre-natal and post-natal leave shall be counted towards seniority.

Clearly the above provisions cover the requirements of subparagraph 2 (b) of Article 11.

46. Article 11, paragraph 2, subparagraph (c) of the Convention states that measures must be taken "to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities".

This subparagraph of Article 11 stipulates that States must encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life; in this respect, it must be noted that for the protection of women and particularly working mothers, a social security service of day nurseries for the children of insured persons has been set up so as to ensure that mothers who are unable to look after their children during the working day can have them taken care of while they are small.

In accordance with the Social Security Act, day nurseries provide cloakrooms, meals, health care, education and recreation for the children of insured female workers. For this, the Mexican Social Security provides day-care nurseries in areas conveniently placed for work and residential centres.

In addition, in connection with the second part of this subparagraph which advocates promoting the establishment and development of a network of child-care facilities, the State has set up a National Scheme for Integral Family Development (DIF). This scheme considers the human being as an integral unit who can only really realize his full potential, as a direct benefit and from his fellows, if the essential elements which enable him to reach his full development exist: for this, freedom, physical strength, spiritual creativity and integral development are basic conditions.

The work of this National Scheme is divided into five basic programmes: preventive medicine and nutrition; pre-school and extra-mural complementary education; social welfare, community development and family nutrition.

47. Subparagraph (d) on special protection to women during pregnancy has been fully covered earlier while discussing other topics.

48. Paragraph 3 of Article 11 places on States the obligation to review protective legislation relating to matters covered in the article in the light of scientific and technological knowledge so that it can be revised, repealed or extended as necessary.

This obligation merely stresses the procedure or machinery underlying the dynamic aspect of law. Indubitably, scientific and technological knowledge progresses, and with it, the social sciences which must, is in this case, rule human conduct.

49. Article 12 of the Convention reads:

> "1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
>
> "2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."

The first part of Article 12 demands that there should be no discrimination against women in access to health care services.

In view of the political configuration of the Republic of Mexico first we can see that, in accordance with Article 2 of the Health Code of the United Mexican States, general health activities can be federal and therefore compulsory throughout the Republic, or local.

Furthermore, we can distinguish the specific problem of women and the health services in relation to work or when they are entitled to certain benefits through one of the social security institutions.

With reference to the first question and with the aim of extending health benefits to the largest number of people, Article 13 of the Health Code empowers the Secretariat of Health and Welfare, which is one of the bodies responsible for implementing the law on this matter, to make agreements, in the name of the Federation, with the Governments of the federal components or with municipal governments for the provision of health services. It can also do this with public or private associations, national or foreign companies and individuals provided that it does not delegate activities or functions of authority but only management or service.

The health care referred to in Article 12 of the Convention is covered by the regulations for hospitals, maternity homes and mother and child welfare centres in the Federal Districts which define a hospital as any official, decentralized or private establishment whose primary purpose is care of the sick who stay there for diagnosis and treatment. It shall also be able to provide care for the walking sick, train staff and carry out scientific research. Therefore sanatoriums, clinics, private hospitals and any establishment in which the sick stay for the purposes mentioned is deemed to be a hospital, whatever it is called.

The Code defines a maternity home as an establishment for the care of parturient women and a mother-and-child centre as an establishment for pre-natal, natal and post-natal care.

Article 2 of the regulations states that hospitals are divided into general hospitals and specialized hospitals in accordance with the type of care provided. General hospitals provide care for any type of sick person and specialized hospitals care for specific types of illness such as tuberculosis, leprosy, infectious diseases, chronic sickness, psychoneurotic patients and any others of a special nature.

As can be seen in this first part, in health care there is no discrimination against women since legislation speaks generically of sick persons or makes distinctions or separations between the types of care.

In referring to the problem of women and health, we also mentioned the special relationship there is between this and work because it is through being employed that women are entitled to social security benefits.

It was indicated in previous paragraphs that the compulsory social security scheme includes security for sickness and maternity. Article 92 of the Social Security Act referring to maternity and sickness insurance states that this branch of insurance protects the insured person (man or woman), pensioners, whether with permanent total incapacity, permanent partial incapacity or invalidity, old age, retired because of old age or through being widowed, orphaned or having to care for ascendants. The wife of the insured person, or else the woman with whom he has lived conjugally during the five years prior to the sickness or who has borne his children, provided that neither is married. If the insured person has several concubines none of them shall be entitled to protection.

The wife of a pensioner, whether for any incapacity or old age or retired because of old age; and the children of an insured person, or the parents of an insured person or pensioner may be entitled to benefits under this branch of social security.

None of the parts or provisions of this Act places any restrictions on women implying discrimination against them; in fact, through her own right or through her family relationship with a man the woman can benefit from health and maternity insurance without any restriction.

The last part of paragraph 1, Article 12 of the Convention concerns access by women to health care services, including those related to family planning.

This question has already been treated at all levels, including constitutional provisions. Article 4 of the Political Constitution of the United Mexican States recognizes that the law protects the organization and development of the family and states in its second paragraph that every person has the right to decide in a free, responsible and informed manner on the number and spacing of children.

The Secretariat of the Interior which in Mexico is responsible for population matters is empowered under Article 3, paragraph II of the General Population Law to carry out family planning programmes through the education and public health services available in the public sector and to ensure that such programmes and those of private bodies are carried out with absolute respect for man's fundamental rights and to preserve family dignity, with the object of national regulation and steadying of population growth, as well as achieving the best use of human and natural resources in the country.

The question of family planning is covered in Article 18 of the regulations of the General Population Law which cites Article 4 of the Constitution, but adds that every person has the right to family planning and to obtain specialized information and appropriate services.

Article 20 stipulates that family planning services must be integrated and co-ordinated with health, education, social security and public information and other services designed to improve living conditions of the individual and the community. Furthermore, Article 21 states that these services shall be free when provided through departments and bodies of the public sector.

Article 23 of the regulations is also important; it states that information and other family planning services shall take note of the circumstances of each person, locality or region and shall be directed towards the causes of natural sterility and ways of overcoming it or towards increasing fertility when it is low. This family planning will lead to realization of the benefit of being able to decide freely on the number and spacing of children, delaying having the first child and conceiving the last one at an age suitable for healthy gestation.

Article 26 of the regulations guarantees to the person a free choice as to the methods he/she wishes to use to regulate conception, provided that they are free from side effects, not contrary to health or prohibited, and no person can be forced to use birth control methods against his/her will.

50. Paragraph 2 of Article 12 of the Convention stipulates that States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

We have already indicated the provision of health services for women in cases of sickness and, speaking of the regulations for hospitals, maternity homes and mother-and-child centres we have mentioned the various types of institution which provide such services, maternity homes and mother-and-child welfare centres.

We have also indicated the benefits to which pregnant women are entitled: six weeks' leave before the birth and six afterwards under the labour laws, and sickness and maternity insurance under the Social Security Act.

Article 102 of the latter lays down that in the case of maternity the Mexican Social Security Institute shall grant the following benefits to beneficiaries, during pregnancy, birth and the post-natal period: I. Obstetric assistance; II. Help in kind for six months for lactation, and III. A layette on the birth of the child.

The first paragraph of Article 109 of the Social Security Act states that insured women have the right during pregnancy and the post-natal period to a money grant equal to 100 per cent of the average salary for her subscription group and that she shall receive it for 42 days before the birth and 42 days afterwards.

51. Article 13 of the Convention under consideration requests States Parties to take all appropriate measures to eliminate discrimination against women in economic and social life and mentions in particular in subparagraph (a) the right to family benefits, on a basis of equality with men.

In speaking of social security we said that its purpose is to give the right to healthy, medical care, protection of the means of subsistence and the social services necessary for individual and collective welfare.

We also indicated that social security in Mexico comprises compulsory and optional schemes in accordance with Article 7 of the Social Security Act and covers risks and provides services as specified for each scheme, through benefits in money and in kind in accordance with the forms and conditions in the Act and its Regulations.

The desire to extend the social security scheme is expressed in Article 8 of the Social Security Act which states that the scheme is grounded in social solidarity and in addition to granting the benefits consonant with its aims it shall provide social services of collective benefit.

It has also been mentioned that the compulsory scheme comprises insurance against: I. Labour risks; II. Sickness and maternity; III. Invalidity, old age, retirement because of old age, and death, and IV. Day nurseries for the children of insured persons.

On the last point, it has been strongly stressed, and we reiterate, that it is an aspect of insurance which benefits women exclusively, to the point of discriminating against men, so there is no need to dwell on the right to this family benefit.

In a rapid overview of other aspects of insurance, it can be stated that under Article 48 labour risks include accidents as well as sickness to which workers may be exposed in the execution of their work or because of it.

Article 49 considers to be an industrial accident any organic lesion or functional disturbance, immediate or delayed, or death, produced unexpectedly in execution of work or because of it, whatever the place and time of work.

Any accident occurring during the journey directly from home to work or back is also considered to be an industrial accident.

Article 50 designates as an industrial disease any pathological state resulting from the continuing action of a cause originating or caused by the work or by the environment in which the work is carried out. Industrial diseases are listed in the Federal Labour Act.

Industrial risks may result in temporary incapacity, permanent partial incapacity, permanent total incapacity or death.

This social security scheme includes the right of the insured person to benefits in money or in kind.

It is not the purpose of the present report to specify the benefits which insured persons receive in this branch of social security but it can be mentioned that when an industrial risk results in the death of an insured person the Institute must pay an amount equal to two months' average salary for that contribution group; funeral expenses up to a specified amount; a pension to the widow or, where relevant, the widower if he/she is totally incapacitated; a legal pension to orphans if they are incapacitated or under 16 years of age or under 25 years of age if they are studying in an institution of the national education system. If there is no wife, the pension may be paid to a woman with whom the insured person had lived conjugally for the five years immediately prior to his death or who has borne children to him, provided that both were unmarried during the time they lived together.

The health benefits of insured persons and beneficiaries as well as the benefits in kind granted in these circumstances, to which the wife and family are also entitled, have already been specified while discussing sickness and maternity insurance.

With respect to insurance against invalidity, old age, retirement because of old age and death, Article 128 of the Act considers that there is invalidity:
I. When the insured person is incapable of finding a job in keeping with his capabilities, qualifications and previous occupation which will pay him more

than 50 per cent of the usual remuneration received in the same area by a fit worker of similar capabilities, category and qualifications: II. When he is unable to work due to a non-industrial illness or accident or to physical or mental defects or exhaustion or because of a permanent natural state.

Invalidity gives the right to the following benefits: I. A temporary or permanent pension; II. Medical assistance; III. Family allowances and IV. Nursing care.

Old age insurance gives the right, under Article 137 of the Social Security Act, to: I. A pension; II. Medical assistance; III. Family allowances and IV. Nursing care.

Insurance against retirement because of old age, that is, when the insured man or woman has no paid job after the age of 60, obliges the Institute to grant the following benefits: I. A pension; II. Medical assistance; III. Family allowances and IV. Nursing care.

Life assurance where death occurs through invalidity, old age or when retired obliges the Institute to pay the following benefits: I. Widow(er)'s pension; II. Orphan's pension; III. Ascendant's pension; IV. Nursing care for widowed pensioners and V. Medical assistance.

Under this aspect of social security, the widow's pension is paid to the wife of an insured person or pensioner or, where applicable, to his concubine if she lived conjugally with the insured person or pensioner for five years, or bore children to him and if they both remained unmarried during the time they lived together. Payment of this pension begins on the day of death and continues until the death of the beneficiary, or until the widow or concubine marries or enters into cohabitation.

The orphan's pension is paid to children under the age of 16 on the death of their father or mother if the parents were in receipt of an invalidity, old age or retirement pension.

A one-parent orphan also has the right to a pension if the insured person dies while in receipt of a pension for invalidity, old age or retirement.

In the absence of a widow, orphans or a concubine, the pension shall be paid to any ascendants who were directly dependent on the deceased insured person or pensioner.

In the branches of insurance mentioned, in addition to the pensions and medical assistance in the event of sickness, there are also family allowances and nursing care.

The family allowances are meant to assist with family expenses and are given to beneficiaries of the pensioner through invalidity, old age or retirement. Among the beneficiaries mentioned in the Act are: I. The wife or concubine of a pensioner; II. Each child of the pensioner under the age of 16; III. If the pensioner had no wife, concubine or children under 16, the family allowance shall be paid to each of the pensioner's parents who were economically dependent on him. If the pensioner had no wife, concubine, children or dependent ascendants, if nursing care was given to him, and if the pensioner had only one ascendant entitled to the family allowance, then nursing care shall also be granted.

The Institute shall also give nursing care to a person receiving a pension for invalidity, old age or retirement as well as to those in receipt of widows' pensions when their physical state necessitates the permanent or continuous assistance of another person.

From the above it can be concluded that there is no discrimination against women in the right to family benefits mentioned in Article 13, subparagraph (a) of the Convention.

52. Article 13, subparagraph (b) of the Convention aimed at eliminating discrimination against women in economic life relates particularly to the right to bank loans, mortgages and other forms of financial credit.

It has been reiterated that under the terms of the Constitution men and women are equal before the law and therefore it would be a violation of this constitutional concept if only men were able to obtain bank loans, mortgages and other forms of financial credit.

This type of equality with men is most noticeable in analysing the civil and trading rights enjoyed by both sexes. There is one particular circumstance when a man and a woman have contracted matrimony, although this situation does not affect the individual rights of the couple except when they have voluntarily decided on a communal property regime.

In this respect, Article 172 of the Civil Code states that a husband and wife who have reached their majority are legally competent to administer, enter in contract or dispose of their own property and to appeal in court or oppose any litigation relating to it, without either spouse needing the consent of the other, except as stipulated in the marriage settlement on the administration of property.

Under Article 173 of the Civil Code, if the husband and wife are minors, they shall be able to administer their property but must have legal authorization to alienate, encumber or mortgage it, and have a guardian for their legal business.

Because of the special relationship between husband and wife, the law requires legal authorization from both spouses for contracts between them except when the contract is a writ for litigation and recovery of debts or for administrative acts; authorization is also required when one spouse is guarantor for the other or binds himself/herself with the other on matters which are in the latter's sole interest, except when they involve standing bail so that the other can obtain his/her freedom. Legal authorization will not be granted if it would result in harming the interests of the family or of either spouse.

Article 176 permits sales contracts between spouses only when the marriage is under the separate property regime. Also Article 177 of the Civil Code mentions that during marriage the husband and wife may exercise their rights and bring law suits against each other but that the prescription shall not apply while the marriage lasts.

In accordance with the provisions already indicated in the Civil Code, Article 5 of the Code of Commerce states that any person who is legally competent under ordinary law to conclude contracts and undertake obligations and who is not expressly prohibited from so doing by the same laws has legal capacity to exercise that right.

Furthermore, Article 9 of the Code of Commerce specifies that a married man or a married women who is in business may mortgage his/her real estate as security for his/her business obligations and appear in court without the need for the permission of the other spouse when the marriage is covered by the separate property regime.

Under the joint property regime, a man or a woman in business may not mortgage or encumber the property of the company, or his/her own estate when its yield or profits belong to the joint estate without the permission of the other spouse.

In connection with business activities, the law defines credit institutions as firms whose purpose is to carry out banking and credit functions in Mexico and states that they are subject to the relevant legislation.

There are also additional national credit institutions and organizations in which the Federal Government has a share, or reserves certain rights which the pertinent law specifies, but these are not relevant to the present report.

Under Article 2 of the General Law on Credit Institutions and Auxiliary Organizations, the authorization of the Federal Government is required in order to exercise the function of a bank and offer credit. This concession is not transferable and relates to one or more groups of banking and credit operations: 1. Deposits. 2. Savings. 3. Financing. 4. Mortgages. 5. Capitalization. 6. Fiduciary operations and 7. Multifarious.

The institutions authorized to carry out one or more of these banking and credit operations are subject to the pertinent legislation and authorized in accordance with it to grant the usual credits. In all these operations, in being granted authorization and in the regulation of such activities by the pertinent legislation it is only stated, with reference to our present concerns, that the operations authorized shall be carried out with the public without any distinction being made between men and women, or else the operations relate to certain contracts or certain operations, investments, financing and loans, etc. without at any time there being discrimination against women in carrying out this type of legal negotiations for which they, as has been stated, have legal competence as shown in the Code of Commerce which reinforces the same provisions in general legislation.

Article 13, subparagraph (c) of the Convention demands that Member States should ensure that women have the right to participate in recreational activities, sports and all aspects of cultural life.

In speaking of education and women in this report the educational, cultural and sports activities in which women can participate have already been mentioned; here it can be added that other legislation such as labour and social security legislation also tries to deal with this aspect.

One of the duties of employers in the labour field laid down in Article 132, paragraph XXV of the Federal Labour Act is that they must contribute in promoting cultural activities and sport among their workers and provide the essential equipment and facilities.

On its side, the Social Security Act specifies in Article 232 that it shall provide social services of collective benefit, along with social benefits and social solidarity services. Among the social benefits, Article 234 mentions programmes for the promotion and development of cultural and sports activities, and in general all activities tending towards improved use of free time; technical training and preparation courses for work with the aim of improving workers' levels of income; and holiday and rehabilitation centres. The social benefits referred to in this article are not restricted at any time since the above-mentioned article of the Act states that in addition to these programmes there can be offered any which would be useful for raising individual and collective standards of living.

Article 14 of the Convention relates to the problems faced by rural women.

Paragraph 1 contains a general recommendation that States Parties should take into account the role which rural women play in the economic sector and asks that States should ensure the application of the provisions of the Convention in rural areas. It has already been stated that in the case of Mexico, in accordance with Article 133 of the Constitution, the treaties and conventions which are consonant with the Constitution and have been ratified by the Executive with the approval of the Senate constitute the supreme law of the land and, therefore, this recommendation is embodied in the provisions of the Constitution. Therefore it is not necessary to give further details on the matter.

The provision under discussion reads as follows:

"1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas".

55. Paragraph 2 requests States Parties to eliminate discrimination against women in rural areas in order to ensure that they participate in and benefit from rural development and, in particular, shall ensure to them the right:

"(a) To participate in the elaboration and implementation of development planning at all levels".

The problem of the indigenous population is closely linked with the rural sector and the functions of various government institutions often overlap. It was therefore necessary to co-ordinate their activities in order to ensure greater participation by the indigenous or rural population in the benefits of national development by satisfying the basic needs of ethnic groups, enabling them to defend their individual and social rights and strengthening national awareness through a respect for ethnic pluralism.

It has been stated earlier in this report that women as well as men can participate in the integration and structure of the State and also in the preparation and implementation of plans and activities which must be carried out by Government Departments, whether Federal or local.

Referring specifically to rural questions in Mexico, within the over-all development plan an Investment Plan for Rural Development (PIDER), has been instituted which groups sections in the stock-raising, forestry, fishery and industrial sectors. It comprises the organization of small producers, common properties and communities; support for agro-industrial and irrigation projects; land regulation and programmes for the use of appropriate technology, natural resources and availability of manpower and capital.

The general aim of the PIDER is to generate employment and surpluses in the rural communities so as to counter the levels of poverty, unemployment and marginalization.

In these programmes as in other Government activities there are no restrictions or discrimination against women who can participate and contribute in preparing and implementing development plans at various levels.

There are various programmes also connected with the countryside in which women can participate: rural health protection, the national supply system for deprived areas, improvement of rural housing; the construction of local roads and provision of drinking water; the provision of primary education, homes, food and training for children between the ages of 9 and 14; the creation of permanent jobs in the reafforestation of the country through training programmes, co-operative labour and the National Commission for Arid Zones; the reclamation of land and of human settlements in order to create basic progressive services in the villages, by encouraging community participation and in the labour sector the channelling of resources so as to support small production communities and create new sources of work in the rural sector.

56. Article 14, subparagraph 2 (b) of the Convention states that rural women must "have access to adequate health care facilities, including information, counselling and services in family planning".

In another part of this report it has already been indicated that, in accordance with Article 4 of the Constitution, in Mexico every person has the right to decide in a free, responsible and informed manner on the number and spacing of children. Clearly, this constitutional provision includes rural women also.

The above point, to which reference will be made a little later, is connected with the second part of subparagraph (b) on family planning. The same subparagraph mentions adequate health care facilities to which rural women must be entitled.

It is convenient to make a distinction between the labour laws and the health services which must be provided for rural workers and, furthermore, to refer briefly to health and social security policies in connection with rural women.

Article 279 of the Federal Labour Act defines agricultural workers as those who do the normal jobs peculiar to agriculture, stock raising and forestry for an employer and lays down that one of the duties of employers is to maintain in the place of work the medicines and curative equipment necessary for first aid and to train first aid staff, as well as to provide medical assistance for workers and their families or transport them to the nearest place where there are medical facilities.

Employers also have special obligations when they employ more than a hundred workers: they must set up an infirmary equipped with the medicines and curative equipment needed for medical care and emergency surgery, staffed by competent personnel under a surgeon. If this doctor does not consider that he can provide the necessary medical and surgical treatment the worker shall be transported to a town or hospital where he can be treated.

In its health and social welfare policies, the Government defines health as a state of complete physical, mental and social well-being, not only the absence of sickness or pain, and the over-all development plan states that the enjoyment of the best possible health is one of the fundamental rights of all human beings, without distinction as to race, religion, political beliefs or economic and social condition.

The activities of the health institutions have had a great preventive effect but without neglecting curative and rehabilitation activities.

Preventive action such as vaccination campaigns and environmental health have had a widespread effect, to such a degree that diseases such as smallpox, yellow fever and typhus have been eradicated and the incidence of measles, diphtheria, whooping cough, tetanus, poliomyelitis, tuberculosis, pinta and typhoid has been reduced.

The aims of the health policy include: application of complex vaccination systems; early detection of diseases; counselling for care and training in pregnancy and child development; supplementary feeding during pregnancy and lactation; direct or indirect care at the birth and afterwards; extension of family planning services to people requesting it; curative treatment and rehabilitation to the people requesting them; extension of basic and essential services to deprived areas; contributing to decrease malnutrition figures; guaranteeing healthy physical, mental and spirtual growth for children within the framework of family development; extending the school lunch system; reducing the level of materials, substances, elements or forms of energy harmful to health or to the environment; installing drinking water and drainage services; introducing the population to social security benefits and progressively protecting old people and young children who are neglected in rural and deprived urban areas.

57. Paragraph 2 (c) of Article 14 of the Convention stipulates that rural women must have the right to benefit directly from social security programmes.

When discussing subparagraph (b), some of the Government's health and social security policies were described.

Elsewhere in this report, the basis of social security and its benefits have also been mentioned and specific reference was made to Article 8 of the Social Security Act which states that the social security scheme which is based on social solidarity can, in addition to granting the benefits inherent in its aims, provide social services of collective benefit.

It has also been mentioned that the social services referred to in this article are divided into social benefits and social solidarity services.

According to Article 233 of the Social Security Act, social benefits are designed to promote health, prevent sickness and accidents and contribute to the general raising of living standards of the population.

Moreover, social benefits are granted mainly through health promotion programmes disseminating the necessary knowledge by means of direct courses or through the mass media: this includes education in health, mother and child welfare, hygiene and first aid; improving diet and housing; encouragement and development of cultural activities and sports and, in general, all activities tending to improve the use of free time; regulation of civil status, courses in technical and other training for work; centres for holidays and rehabilitation for work; improvement of home life by better use of economic resources for purposes of convenience and adequate living units, etc.

Although under the Act, social benefits are discretionary, they are becoming more institutionalized every day through social health programmes and policies. Another very important aspect of these social solidarity services is the provision of medical, pharmaceutical and hospital assistance in accordance with Article 236 of the Social Security Act.

Article 237 of the same Act states that the Institute shall organize, set up and operate medical units for social solidarity services, and that they shall be provided exclusively for those population centres which in contrast to the state of development of the country constitute areas of severe rural, suburban and urban deprivation, and are designated as zones for social solidarity by the Federal Executive Power.

Naturally, the Institute will have to supply these services without detriment to the effective provision of benefits to workers and other beneficiaries of social security who are entitled to them.

Social solidarity services shall be financed by the Federation, the Mexican Social Security Institute and the beneficiaries themselves. Article 239 of the Social Security Act stipulates that the beneficiaries of these services shall make contributions in cash or by doing work for the communities in which they live in order to help to reach the level of economic development needed to become eligible for insurance.

In other words, the solidarity concept makes it possible to extend social security cover specifically to the countryside and to rural workers, men and women, who receive its benefits from the State and are only required in return to carry out some work of benefit to their own community; for this, institutional agreements have been concluded such as the IMSS-COPLAMAR (Mexican Institute of Social Security - General Co-ordination of the National Plan for Depressed Areas and Deprived Groups).

58. Subparagraph 2 (d) of Article 14 of the Convention lays down the measures which should be taken by States Parties in connection with rural women, particularly to ensure the right:

> "(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency".

The first part of the above subparagraph refers to the right of rural women to obtain all types of training and education, formal and non-formal, including that relating to functional literacy. In dealing with the question of women and education in another part of this report, the right they have without any discrimination vis à vis men to receive education has already been indicated; these rights are enshrined both in Article 3 of the General Constitution of Mexico and in the pertinent regulatory Act; nevertheless, the problem of rural women which comes within the general topic of general education in the Republic has been given special treatment: one of the subparagraphs in the constitutional rules states that education shall be national and shall - without aggression or exclusivity - pay attention to the comprehension of our problems; undoubtedly one of them is the problem of the rural agrarian sector.

Again, Article 38 of the Organic Law of the Federal Public Authorities, in keeping with the comments in the paragraph above, states that the Department of Public Education is responsible, inter alia, for agricultural education with the co-operation of the Secretariat for Agriculture and Water Resources.

Basically, agrarian matters are regulated by the Agricultural Education Act and the Federal Act on Agrarian Reform; Article 190 of the latter states specifically that:

> "Apart from the primary education which is compulsory in rural schools, there shall be established in villages and common properties, regional training centres to provide instruction on rural administration, farming, stock-raising and other rural techniques; persons having followed such courses shall, all things being equal, have preference in the awarding of fellowships for study on advanced farming courses. In common properties of a certain size practical craft and trade schools shall be established. The Department of Public Education shall co-ordinate implementation of these programmes with the Secretariat for Agrarian Reform."

"In the secondary farming technical colleges and rural teacher training colleges, preference shall be given to the sons of farmers and of rural teachers originating from the agrarian communities."

Furthermore, Article 201 of the Agrarian Reform Act, the chapter relating to individual qualifications for being granted land and water sources accords a special privilege to pupils who complete their studies in the secondary, vocational or technical agricultural colleges.

Education in country districts is rural and agricultural. Rural education is the primary level in these areas, with a teacher from the country. Agricultural education comprises practical, specialized and higher levels as well as elementary.

Elementary education includes what is taught in primary and secondary schools and indigenous boarding establishments in order to keep the pupils in touch with their own environment.

Practical education teaches technical skills to farmers, especially adults, through Practical Agricultural Schools.

Specialized education is provided through technical and practical courses and higher agricultural education is taught by the Institute for Higher Agricultural Education and leads to careers as engineers and Doctors of Agronomy.

In addition to this basic education, the Government has organized rural cultural missions and mobile cultural missions where basic education, culture and rural improvement are taught.

The department of Public Education organizes centres for training the indigenous population, missions to improve their living conditions, delegations, etc. connected with rural problems.

The National Institute of Indigenous Peoples also prepares work plans on educational aspects of health, housing, food, farming techniques, small industry, etc. which it co-ordinates with Government departments.

On the same topic the provision in the first part of Article 189 of the Federal Act on Agrarian Reform can also be stressed; it states that common properties and communities have priority in receiving the services of university and technical teachers offering social service. The higher education institutions and official departments which participate in this service shall take into account this priority when formulating their respective action programmes.

The problem of functional literacy has already been dealt with earlier in this report; it can be mentioned, however, that, with reference to rural workers, Article 283 of the Federal Labour Act obliges employers to promote literacy among workers and their families.

59. Subparagraph 2 (e) of Article 14 lays down the rights of women to organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment.

In Mexico an attempt has been made to encourage and increase certain forms of organization, not only from the legal viewpoint but also by granting certain privileges and immunities to farming villages and communities with the aim of ensuring economic activity in the common property.

Article 147 of the Federal Agrarian Reform Act states that villagers and village centres may form associations, co-operatives, companies, unions or mutual associations with other similar organizations for financial purposes proposed by the groups, with the aim of improving the economic life of the common property. The second part of the same Article states that the pertinent laws and regulations shall be applicable only to the economic aims of these bodies, the obligations they undertake, the faculties of their organs and their method of distributing profits and losses.

The State stipulates that the common properties shall have preferential treatment in the purchase of improved seed, agricultural machinery and equipment, fertilizers, food and veterinary medicines and generally all products which are used or apply directly to farming and exploitation activities.

With respect to what the Convention terms self-help, in addition to the co-operatives and associations referred to, Article 150 of the Agrarian Reform Act is important as it states that the common properties set up farm machinery centres, independently or in association with other villages, to provide services for their associations. The same article states that if this is not possible, the State shall set them up and provide the service through renting or levies at economic rates.

60. Subparagraph 2 (f), Article 14 of the Convention requires that States Parties shall take all appropriate measures to ensure to women the right to participate in all community activities.

Mexican agrarian legislation gives women the opportunity to participate in all community activities and the Federal Agrarian Reform Act contains a chapter entitled "Industrial Agricultural Unity for Women" which specifically protects the rights of rural women.

Article 123 of the same Act states that in every common property there shall be reserved an area equal in size to an allocated plot, situated on the best land adjacent to the urban area, reserved for the establishment of a farm and rural industries exploited collectively by the women of the agrarian group who are over 16 years of age and are not common property holders.

Here it should be explained that the common property or "ejido" is one of the forms in which land is distributed to the peasants in order to avoid any type of tied work, whether as servants, farmhands, small-holders or share croppers.

In the explanatory memorandum to the Federal Agrarian Reform Act the "ejido" is conceived as lands, woods, water sources and, in general, all the natural resources which are the assets of a rural population centre, and which have been deemed a legal entity so that they can be exploited legally and integrally, under a political and economic system.

It should be made clear that in the above definition, the term exploitation relates to the resources. This form of collective land exploitation is administered through a general assembly of its members and with the co-operation of various official bodies, including the Banco Nacional de Crédito Rural, S.A. (National Bank for Rural Credit, Ltd.).

Further to chapter on Industrial Agricultural Unity for Women, Article 105 of the Federal Agrarian Reform Act states that the unity mentioned for organized production by the women of the "ejido" shall consist of day-care nurseries, sewing and education centres, corn mills and in general all the facilities specifically intended for the service and protection of rural women.

61. Subparagraph 2 (g) of Article 14 stipulates that States Parties must ensure to women the right to have access to agricultural credits and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.

The first right referred to in the above subparagraph of Article 14 of the Convention is that of access to agricultural credit and loans.

On this topic it can be noted that Chapter II of the General Rural Credit Act of 5 April 1976 refers to the National Bank for Rural Credit, defined in Articles 7 to 11 of the Act as a national credit institution with functions in that field defined in Article II, paragraph VII; one of these is to make rebates; grant loans, invest in stock and carry out other operations concerned with assets and provision of banking services authorized by the General Act for Credit Institutions and Auxiliary Organizations for deposit, savings and finance banks.

In the field of agricultural credit and loans, the Federal Agrarian Reform Act states that there are official rural credit system institutions, and private credit institutions; credit can be extended to the "ejidos", the community or to individuals, that is, the members in their private capacities.

The institutions of the official system must be governed by the Ley General de Crédito Rural (General Rural Credit Act); the private credit institutions must work in accordance with the rules established by the Secretariat of Finance and Public Credit and where the "ejidos" operate with other institutions the Secretaría de la Reforma Agraria (Agrarian Reform Secretariat) may intervene or approve the loans which the "ejidos" conclude so as to avoid exorbitant rates of interest or conditions prejudicial to the common property holders.

On the question of agricultural loans, Article 156 of the Agrarian Reform Act states that the "ejido" has legal capacity to act for itself or on behalf of its members, through the Comisario Ejidal (Common Property Council) in contracting short-term loans, advances and borrowing on property as required in order to exploit its resources.

Article 159 stipulates that when advances are made to "ejidos", communities or societies belonging to them, five per cent must always be deducted from the total as a legal reserve for self-financing of the loans.

It also states that in the event of total or partial loss of the investment, provided it is not due to the borrowers' fraud or negligence, the official lending institution shall be obliged to lend the same amount again.

"Ejidos" and communities have priority in contracting the services of the agricultural security and official stockbreeding systems.

Article 162 of the Act mentions that "ejidos" and communities may set up credit unions and the authorities shall provide the facilities for these ancillary organizations to operate.

The "ejidos" are also competent to borrow advances from the time that provisional possession of the lands was concluded in accordance with Article 163.

In connection with this chapter it can also be mentioned that there is a common fund for population centres consisting of the income from mountains, woods, pastures and other natural resources when they are exploited for the community, from compensation in exploiting "ejido" land, amount granted by the Assembly, the sale or letting of plots of land in urban development zones and in general from income which does not belong to the common property holders in particular.

This common fund is destined to be used particularly for soil conservation, water exploitation, drinking troughs and domestic uses; the acquisition of machinery, agricultural implements, draught and breeding animals, tools, seeds and fertilizers, emergency social assistance and technical assistance, social and technical security, etc.

Finally, with specific reference to women, it must be noted that they can receive credit through the "ejido" or the farming community; and that even if they are not common property holders, but are over 16 years old, the General Rural Credit Act deems them eligible for credit from the official system, under Article 54 paragraph VII which deals specifically with rural women.

Another right laid down in subparagraph (g) is that of access to marketing facilities and appropriate technology.

Marketing of produce begins with distribution.

Article 171 of the Federal Agrarian Reform Act states that "ejidos" and communities may, independently or in a regional, State or national unions of companies, market one or more of their farm products.

Article 172 mentions that "ejidos" and communities may establish and operate silos, storehouses and cellars or any other produce storage system. When a farming centre has established them alone or through official action its members and their families shall have preference in managing them, subject to the training requirements which shall be instituted to that end.

The Act provides that the official bodies responsible for purchasing the produce and guaranteeing the prices agreed on for the various agricultural products shall purchase first of all the basic necessities produced by the

"ejidos" and those "ejidos" and communities which possess construction materials and extraction or processing industries for these materials shall have priority for their products to be purchased for the construction of housing and public works carried out or financed by State or semi-official bodies.

If the "ejidos" own or can acquire units for transporting their agricultural and forestry produce to distribution and consumption centres, they shall also have priority in obtaining goods transport permits in the name of the community.

When conditions permit it, States, Municipalities and the Federal District shall provide the "ejidos" and communities with land and the credit or facilities needed to establish wine cellars, cold stores and store houses essential for direct distribution of their farm products to small and medium-sized traders.

Article 178 of the Agrarian Reform Act states that all government departments and decentralized bodies shall, in their respective fields of competence, promote the establishment and development of rural industries operated by common property holders or in association with the State and shall also, where conditions are equal with other producers, give priority to purchasing products processed in industries of this type.

In connection with this, there are the Regulations for the Proctorship of Agrarian Affairs (Reglamento de la Procuraduría de Asuntos Agrarios) of 3 August 1954 which state that the functions and duties of the Proctors for Agrarian Affairs include guiding and helping farmers of both sexes so that, as far as possible, they can organize themselves socially and economically to have better living standards by making full use of the technical facilities and materials granted to them already or in the future.

Another of the functions and duties of the proctors is to work with the Country Women's Leagues (Ligas Femeniles Campesinas) when they ask for advice and give counsel in the transactions they carry out for their members.

Finally, subparagraph 2 (g) of Article 14 of the Convention stipulates that women shall have the right of equal treatment in agrarian reform and in land resettlement schemes.

Since 1917 the General Constitution of the Republic has endorsed the right in Mexico to create new agricultural population centres with the necessary land and water resources as one of the most vital agrarian institutions for the legitimation and equitable distribution of the land among the peasants of the Republic with the aim of ensuring its efficient and honourable exploitation.

Thus the last part of the third paragraph of Article 27 of the Constitution states that therefore the necessary steps shall be taken to regulate human settlements and establish appropriate provisions, use, reservation and utilization of land, water resources and woodlands with a view to carrying out public works and planning and regulating the foundation, conservation, improvement and growth of population centres; splitting up of large estates; preparing, in accordance with the pertinent legislation, of the organization and collective exploitation of "ejidos" and communities; developing of small farms; creating of new agricultural population centres with the necessary land and water resources; promoting agriculture and avoiding the destruction of natural resources and damage which property might suffer, to the loss of society. Population centres which have no land or water, or not enough for their needs, shall have the right to be given them from adjacent properties, though small farms being worked shall not be prejudiced.

From the above it can be seen that there is provision right up to constitutional level for both agrarian reform and resettlement of villages or "ejidos" in which, naturally, rural women take a part; as the Constitution states, these are new centres of population or nuclei, "ejidos" and communities who are given land and water particularly for the promotion of agriculture.

In connection with this an Interministerial Commission for "Ejido" Colonization (Comisión de Colonización Ejidal) was established on 7 July 1972 responsible for preparing and implementing on a priority basis regional plans for reconstructing and repopulating as appropriate new "ejido" population centres. Various Secretariats of State were represented in this commission to prepare such plans and provide the necessary financing, geological and hydraulic studies and the hydraulic services needed for irrigation; to advise on developing agriculture and stockraising and the construction of main and local roads needed for these new population centres and to ensure that the "ejidos" had up-to-date technological resources and the means to improve their economic, political, social and cultural conditions.

The Agreement establishing this interministerial commission states in Article 1 that it is in the public interest for these plans to be prepared and executed immediately, bearing in mind both the establishment of new centres and also the repopulation of existing ones and affirms unequivocably that this is being done to raise their economic, technical, social and cultural levels.

62. Subparagraph 2 (h) of Article 14 of the Convention stipulates that States Parties shall take all appropriate measures to ensure that women enjoy, on a basis of equality with men, adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The above-mentioned subparagraph includes a number of topics under the general heading of appropriate living conditions. Housing, sanitation, electricity and water supply, transport and communications are given as examples. Although these aspects can contribute in improving living conditions, it must be stressed that they are not the only ones and in this report, which has already mentioned some of them, others have been named which are not listed here, such as health, education, etc. The list must therefore be taken to be non-exhaustive.

On the topic of housing, chapter VIII of the Federal Labour Act lays down in Article 283 relating to rural workers certain special duties for employers, which include two of those mentioned in the subparagraph: "II. Provide for workers free, healthy and adequate housing in keeping with the number of economically dependent people in the family, and an adjacent plot of land for raising farmyard animals"; and "III. Maintain the housing, making any necessary and suitable repairs".

On the subject of "ejidos", Article 90 of the Federal Agrarian Reform Act states that any presidential resolution granting land shall define the limits of the urban development area which shall preferably be situated on non-agricultural land. The urban zones shall be defined and divided up, and areas reserved for the public services of the community in accordance with the studies and plans approved by the Secretariat for Agrarian Reform.

Article 93 of the same Act states that all "ejidos" have the right to receive free as family heritage a piece of ground in the urban zone, to be assigned by lot. Whether the plot can be extended shall be determined on the basis of the characteristics, usage and customs of the region for the establishment of a country dwelling but shall in no case exceed 2,500 $m^2$.

Article 94 of the Agrarian Reform Act stipulates that common-property holders shall occupy the pieces of land and build on them. For this purpose the Secretariat for Agrarian Reform independently and in co-ordination with the official bodies concerned shall provide building plans appropriate for each zone and the necessary technical assistance.

The health services referred to in this subparagraph have already been described in dealing with the health care facilities mentioned in sub-paragraph 2 (b) of Article 14 of the Convention because these services relate to rural workers, country dwellers or common-land holders.

With reference to electricity, Article 27 of the Constitution states that it is the task of the nation in general to convey, process, distribute and supply electric power for the purpose of providing public services. Concessions for this shall not be given to individuals and the nation shall exploit the natural assets and resources required for this purpose.

In accordance with this, the latest report of the Government of the President of the Republic of 1 September 1981 states that the national electricity scheme has a present installed capacity of 17.1 million kilowatts, or 22 per cent more than in the previous period, which provides a service to 10.1 million families in 22,000 villages in the country. For the rest of the service, the current shall provide the inhabitants of at least another 5,000 communities with power due to the success of rural electrification programmes.

In connection with the supply of power to the rural population, it should also be noted that to encourage the industry set up by "ejidos" and thereby raise the living standards of the inhabitants, Article 183 of the Federal Agrarian Reform Act provides that industries in the "ejidos" have the right to cheap supplies of electricity, oil and whatever other source of energy they need. All government departments and corresponding decentralized bodies shall co-ordinate their activities as necessary to meet this obligation and furnish supplies.

With reference to the supply of water, Article 282, paragraph VII, subparagraph (a) of the Federal Labour Act states that employers must allow all workers on the property to take from water sources the water they need for their domestic purposes and their livestock. This provision relates to rural workers.

Furthermore, the Agrarian Reform Act, Article 213 states that when a population nucleus is provided only with water, the amount shall be based on the volume which exceeds that needed for irrigating the property under cultivation.

On the subject of joint assets, Articles 267 and 268 of the Act state that the population nuclei which de facto or de jure manage the joint assets shall be competent to make use jointly of the lands, woods and water which belong to them or have been or will be returned to them. For the purpose of use and enjoyment of water, the nuclei who manage the common property shall have the same priority as the "ejidos".

The third paragraph of Article 27 of the Constitution contains a list of water resources which belong to the nation including territorial waters, inland seas, lagoons and estuaries, natural inland lakes, rivers and their direct and indirect tributaries, permanent and intermittent watercourses and their direct and indirect tributaries, the courses, beds and banks of lakes and inland streams to the extent fixed by the law, ground water when public interests require it or other exploitation is affected by it. In these cases the Federal Executive Power may regulate its extraction and use and even establish prohibited areas, as for other water belonging to the nation.

This article adds that any other water resources not included in the above list shall be deemed an integral part of the property of the land they flow through or in which they lie, but if they are located on two or more properties they shall be deemed to be of public interest and shall be subject to provisions established by the States.

Finally, the President of the United Mexican States, in the Fifth Government Report issued in September 1981 indicated that great efforts had been made in the rural sector for the drainage and drinking water programme. The deprived population enjoying drinking water systems has now reached 4,200,000 inhabitants. This is the result of the first two years of operation of the SAHOP-COPLAMAR drinking water programme. It is hoped that by the end of the present administration (November 1982) it will have provided 71 per cent of the population with these services, contrasting favourably with the 36 per cent of the rural population which had them in 1976. It adds that between September 1980 and August 1981 178 projects for supplying drinking water and constructing drains were carried out, to the benefit of an estimated 30 million inhabitants.

Similarly, in accordance with the policy for strengthening Federalism, the Federal Drinking Water Boards were transferred to the State Governments. In this way, it will be possible to improve services in the 1,569 water services which have been handed over, by making tariffication simpler and more appropriate.

The last aspect mentioned in subparagraph 2 (h) of Article 14 of the Convention is that of communications.

On this matter, the President of the Republic stated in his Fifth Government Report of 1 September 1981 that under the rural roads programme 7,475 kilometres of roads had been built so far. By the end of the current year it would be 14,406 kilometres, approaching the 1982 target of 24,100 of rural roads. The report adds that in all, the total present road network of 213,700 kilometres includes federal, State, local and rural roads, under the SAHOP (Human Settlement and Public Works Secretariat) Programme and the Co-ordination Agreements between State Governments and the PIDER and COPLAMAR.

With relation to the long distance communications programme, the capacity of the federal microwave network is increasing. Under this administration, 1,100 kilometres of television coverage have been installed to bring the total to 48,044 kilometres. As regards radio frequency coverage, 4,100 kilometres of circuits have been installed to bring the total to 95,000 kilometres.

On 3 April 1981 the first 35 local earth stations for television links by means of the United States Domestico Westar III Satellite were brought into operation. Similarly, the renovation of the earth station for satellite links with Europe, Africa and South America was completed, so as to reach a capacity of 528 telephone circuits and 4 channels for television signals in conjunction with the new Tulancingo II station.

The Mexican Republic Television (TRM) reaches 12,000 more communities. Ninety per cent of its broadcasting is devoted to educational programmes on basic training for peasants and on social service.

Regional plans for the rural telephone system continued and during the period covered by this report 180 localities were linked up, bringing the grand total to 1,933 localities.

Expansion in the telex service was 4,269 lines, reaching a total of 14,374, an increase of 128 per cent.

Within the postal service, in August 1981 a post code system was initiated consisting of five figures which identify and locate a geographic area of the national territory and the post office serving it. The code covers 13,578 towns with populations of over 500, and 166 cities of over 30,000.

Finally as regards rural workers, Article 283, paragraph VII, subparagraph (c) of the Federal Labour Act lays down that employers must allow their workers on the property free transit on the established roads and paths, provided that there is no damage to seeded areas and crops.

## PART IV

63. Article 15 of the Convention stipulates that States Parties should accord to women, in civil matters, the same rights as men. It reads as follows:

> "1. States Parties shall accord to women equality with men before the law.
>
> "2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
>
> "3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
>
> "4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile."

Paragraph 1 of this Article requests that States Parties should accord to women equality with men before the law. In this respect, as already indicated in another part of this report, the Political Constitution of the United Mexican States which is the supreme law of the Union establishes in its statement of principles individual guarantees for men and women enshrined in the first 29 articles which contain the subjective, political and civil rights aspects of human rights; Article 4 states specifically that men and women are equal before the law. Thus, since legal equality is embodied in the Constitution, any discrimination against women before the law is completely set aside, and women are incorporated in civic life.

It has also been said earlier in this report that at constitutional level women's rights are protected in various fields such as education, dealt with in Article 3 of the Constitution; the right to follow the profession, occupation, trade or work they wish, provided that it is legal, embodied in Article 5; the right to free expression of ideas, laid down in Article 6; freedom to write and to publish stated in Article 7 and other political rights.

64. Paragraph 2, first part of the same article demands that States Parties should accord to women a legal capacity identical to that of men and the same opportunities to exercise that capacity.

On this question it should be noted that Mexico accords to women a legal capacity in civil matters equal to that of men, as well as the same opportunities to exercise that capacity and this is regulated in the Civil Code; Article 2 states that legal capacity is equal for men and women and consequently women are not subject to any restrictions by reason of their sex in the acquisition and exercise of their civil rights.

Article 22 of the Civil Code provides that legal capacity of natural persons - whether men or women - is acquired at birth and lost at death. Article 2, first paragraph, second sentence mentions that women must have the same opportunities for exercising their capacity in civil matters. On this topic, Article 1 of the Code of Civil Procedure of the Federal District recognizes that, to be effective, civil cases require, inter alia, the capacity to institute proceedings oneself or through a legitimate representative.

Furthermore, Article 44 of the Code of Civil Procedure of the Federal District states that anyone who is legally in full exercise of his civil rights may appear in court, and Article 45 states that for those who are not in full exercise of their civil rights, their legal representatives shall appear in court as substitutes in accordance with the law.

The second part of paragraph 2 of Article 15 lays down, in particular, that women shall be given equal rights to conclude contracts and to administer property and shall be treated equally in all stages of procedure in courts and tribunals.

In Mexican legislation, men and women have the same protection with regard to the recognition of the right to conclude contract and administer property. Article 24 of the Civil Code stipulates that all adults have the right to dispose

freely of their persons and their property, except where there are restrictions imposed by the law. The only case where there is not equality is when it comes under the provisions of Article 23 of the same instrument where the distinction is not based on sex but on some incapacity. Article 23 provides that legal minority, suspension of civil rights and other incapacities established by the law are restrictions on legal personality; but legally incompetent persons can exercise their rights or contract obligations through their representatives.

In commercial matters, Article 5 of the Commercial Code states that any person who is competent under ordinary law to conclude contracts and obligations, and who is not expressly prohibited by the law from engaging in trade, has legal capacity to do so.

The prohibitions referred to in the above-mentioned Article are listed in Article 12 of the Code which lays down that the following persons may not engage in trade: I. Pimps; II. Undischarged bankrupts; and III. Persons who have been sentenced for offences against property, including fraud, peculation, bribery and extortion. From these precepts it is clear that both men and women have equal rights to conclude contracts and administer property.

Article 9 of the Commercial Code stresses this aspect, stating that married men and women who are in business can mortgage their estates as security for their trade obligations and appear in court without the permission of their spouses when the marriage is governed by a joint property arrangement. It adds that under the joint property regime neither a man nor a women in business may mortgage or encumber the assets of the company, nor their own whose products or profits belong to the company, without permission from the other spouse.

In this way, Mexican legislation accords men and women the same rights in the matter.

Similarly, it has been established that capacity is legal competence to have rights and duties, and enforce them, and that in Mexico this legal competence to exercise or enforce one's rights and assume legal duties is equal for men and women.

The regulations on this topic are laid down in the Civil Code, Articles 1798 and 1799, which appear in the Fourth Book, "On obligations", First Part, "On obligations in general", Table I, "Sources of obligations", Chapter 1, "Contracts".

The first of the articles provides that all persons not excluded by the law are competent to conclude contracts; the second specifies that the incapacity of one party may not be invoked by the other to his own advantage, except where the subject of the right or of the common responsibility is indivisible.

In Mexican law there are two levels of incapacity, which imply that a person has rights but is unable to exercise them: these are natural incapacity to exercise and legal incapacity to exercise.

The type of restriction is given in Article 450 of the Civil Code which lays down that natural and legal incapacity applies to: I. Minors; II. Adults lacking in intelligence because of madness, idiocy or imbecility, even though they have lucid periods; III. Deaf-mutes who are illiterate; IV. Habitual alcoholics and those who habitually make immoderate use of stimulant drugs. This provision, however, does have exceptions including the one on the right of succession; Article 1306 of the Civil Code provides that the following persons do not have capacity to make a will: I. Minors under 16 years of age, male and female; II. Persons who habitually or accidentally are not in their right minds. However, Article 1307 accepts that a will made by an insane person during a period of lucidity is valid; for this the law makes certain prescriptions which must be observed.

A further exception to the rule is the case of minors under 18 years of age who are emancipated, either through marriage or through the procedures laid down by the law, in accordance with Article 641 which states that marriage of a minor results in the right to emancipation. Even if the marriage is dissolved, an emancipated spouse who is a minor does not return to the parental authority.

With regard to the last point in Article 15, paragraph 2 referring to the right of women to have equality with men in all stages of procedure in courts and tribunals, Article 44 of the Code of Civil Procedure of the Federal District has already been cited earlier in the report: it states that any person who is legally in full exercise of his civil rights may appear in court.

From the above it can be seen that there is no distinction between men and women in access to the courts or in receiving justice. Similarly, in the guiding principles of procedure which determine and govern a case there is the principle of equality which ensures that the courts mete out the same treatment

to the parties and stems from the statement that in equal legal situations there must be identical treatment. In Mexican civil procedural legislation, this principle is embodied at every stage and, to give an example, in the Code of Civil Procedure for the Federal District, Article 398, paragraph III states that it is the absolute duty of the courts, when hearing evidence and pleas, to observe the following rules: III. Maintenance of strict equality between the parties so that no concession is made to one unless it is also made to the other.

In addition, Article 1 of the Constitution provides that in the United Mexican States all persons shall enjoy the guarantees embodied in this Constitution which cannot be restricted or suspended save in cases and circumstances established in the Constitution. In accordance with this precept all persons, whether male or female, have access to the law courts.

Another constitutional precept which guarantees equality is Article 13 which provides that no one can be sentenced under private laws or by special courts. This means that no one can be sentenced under a private law.

The fourth paragraph of Article 14 of the Constitution states that in civil cases, the final sentence must be in accordance with the letter or the legal interpretation of the law and, in its absence, shall be based on general principles of law. As mentioned earlier, one of these general principles is that of equality.

Finally, with regard to the same paragraph of the Convention it can be observed that its content is connected with women's rights of a civil and commercial nature, such as the signing of contracts and the administration of property; it is pertinent to note that Article 16 of the Constitution also states that no one can be harmed in his person, family, domicile, papers or possessions except on the basis of a written warrant issued by the competent authority which sets out and justifies the legal grounds of the procedure.

65. Article 15, paragraph 3 of the Convention requires States Parties to deem null and void all contracts and all other private instruments directed at restricting the legal capacity of women.

As indicated earlier, legal capacity or the competence of a person to have rights and acquire responsibilities of a legal nature may be divided into capacity of enjoyment and capacity of exercise. In other words, an individual, man or woman has freedom to acquire certain rights in his contacts with others,

but takes on certain responsibilities to them. This paragraph is trying to avoid the possibility of any private contract having legal effects, that is, creating, transmitting, modifying or quashing rights or responsibilities or being used to restrict the enjoyment or exercise of women's capacity and thereby interfere with their freedom.

Historically these restrictions on personal freedom were based on labour and administrative grounds, including membership of certain religious orders. This practice has been abolished in the General Constitution of the Republic which provides in Article 5, paragraph 5 that the State cannot allow performance of any contract, pact or agreement aimed at the reduction, loss or irrevocable sacrifice of personal freedom, whether on the grounds of work, education or religious vows.

Nor can it permit, states paragraph 6 of the same article, any person to agree to being prescribed or exiled, or to abandon temporarily or permanently the exercise of any particular profession, occupation or trade.

From the above, it can be seen that the Constitution not only considers null and void but non-existent or illegal and unconstitutional any agreement or contract which impinges on a person's right to freedom or prevents him from exercising a particular profession or occupation. If it states that such private contracts or agreements are unconstitutional and hence deems that the substantive rights of persons or in other words their capacity of enjoyment prevail, how much more must it emphasize their objective rights or capacity to enforce their rights.

66. Article 15 paragraph 4 of the Convention asks States Parties to accord to men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile.

On this matter, as indicated previously, the Political Constitution of Mexico establishes legal equality between men and women and also indicates in Article 1 that in the United Mexican States each individual shall enjoy the guarantees laid down in this Constitution, which cannot be restricted nor suspended except in the cases and circumstances established in the Constitution.

One of the constitutional guarantees is that of free passage, enshrined in Article 11 which states that any man has the right to enter the Republic, leave it, travel within its territory and change his residence without needing a

permit, passport, safe conduct or other similar requirement. The exercise of this right shall be subject to the permission of the legal authorities in cases of criminal or civil responsibility, and to that of the administrative authorities with regard to legal restrictions on emigration, immigration and general health in the Republic, or on undesirable foreigners resident in the country.

Therefore, men and women enjoy the right to circulate freely as well as to choose their residence and domicile.

67. Article 16 of the Convention relates to the civil rights of women, specifically those connected with marriage and family relations. The article reads as follows:

"1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

"(a) The same right to enter into marriage;

"(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

"(c) The same rights and responsibilities during marriage and at its dissolution;

"(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

"(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

"(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

"(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

"(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

"2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

The preliminary part of Article 16, paragraph 1 requires States Parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

As reiterated in this report, Article 4 of the Constitution establishes equality of men and women before the law and recognizes family planning as a basic human right; it also asserts the duty of the Mexican legal system to protect family organization and development. This article of the Constitution states that men and women are equal before the law, that the law shall protect the organization and development of the family and that every person has the right to decide in a free, responsible and informed manner on the number and spacing of children.

68. Subparagraph 1 (a) of Article 16 stipulates that men and women shall have the same right to enter into marriage.

In our present Civil Code legal capacity is equal for men and women, it lays down that women shall not be subject on the grounds of their sex to any legal restriction as to the acquisition and exercise of their rights.

This means that under our legislation men and women have the right to enter into marriage and have children; indeed section five of the Civil Code refers to marriage as a sovereign act of will requiring the consent of both parties. When they are under the age of 18 they may not enter into marriage without the consent of their father and mother if both are alive or of the surviving parent. In this respect, paragraph 2 of the same article covers in greater depth and extent the question of marriageable age.

69. Subparagraph 2 (b) of Article 16 relates to the right freely to choose a spouse and to enter into marriage only with their free and full consent.

In this matter it should be noted that in Mexico, one of the requirements for persons wishing to enter into matrimony is to submit to the registrar of the place in which one of them is domiciled a written statement confirming

that they wish to marry. This statement must be signed by the applicants. Similarly, Article 103 of the Civil Code, paragraph VI states that when a marriage deed is prepared it must contain a declaration that both parties wish to enter into the marriage.

On the subject of free consent and to avoid forced consent, Article 100 of the Civil Code lays down that the registrar who receives an application for marriage which complies with the above requirements shall require that the applicants and their parents or guardians whose consent is necessary attest to their signatures separately before him. The statements of the witnesses shall be verified on their solemn declaration of speaking the truth, before the same registrar who, when he considers it necessary, shall ascertain the authenticity of the signature against that on the medical certificate submitted.

In addition Article 102 of the Civil Code states that there must be present before the registrar at the place, day and time designated for the marriage to take place the applicants or their special proxies in accordance with the form laid down in Article 44 and two witnesses for each applicant who shall swear to their identity.

Immediately afterwards the registrar shall read out the marriage application, supporting documents submitted and formalities completed and shall ask the witnesses whether the persons before him are those who made application. If the answer is affirmative he shall ask each of the applicants if it is his wish to enter into the marriage and if they do he shall declare them joined in the name of the law and of society.

70. Subparagraph 1 (c) of Article 16 states that men and women shall have the same rights and responsibilities during marriage and at its dissolution.

Article 164 of the Civil Code, in conjunction with Articles 168 and 169 stipulates that the rights and responsibilities stemming from marriage shall always be equal for the spouses, regardless of the financial contribution they make to the family. These articles state that the spouses shall contribute financially to the upkeep of the household, including the maintenance and education for the children as laid down by the law; the cost shall be shared in the manner and proportion agreed by the couple in accordance with their capacities. The aforegoing shall not be binding upon a spouse who is unable to work and has no assets of his own, in which case the other spouse shall be responsible for the entire cost.

The rights and responsibilities inherent in marriage shall always be equal for the spouses and not depend on the financial contribution to the upkeep of the household. (Article 164).

The husband and wife shall have equal authority and consideration in the household and shall therefore resolve jointly all questions relating to household management, the upbringing and education of their children and the administration of their property. In the event of disagreement the family affairs judge will settle the matter. (Article 168).

The couple may hold any job except one damaging to family morals or structure. (Article 169).

Pertaining to the dissolution of the marriage bond, the Civil Code covers the legal concept of divorce in Article 266 which states that divorce dissolves the marriage bond and leaves the spouses free to remarry.

It should be noted that in Mexico either of the spouses may request a divorce; our law recognizes three types: (1) Administrative divorce; (2) Voluntary divorce; and (3) Necessary divorce.

Administrative divorce may be concluded when the following requirements are met: (a) the spouses are of age; (b) they have been married for more than a year; (c) they have no children; (d) there is no property to share out, either because the marriage settlement was made under the separate property regime, or because they have acquired nothing during the marriage. This type of divorce is requested by mutual agreement between the spouses.

The conditions for applying for voluntary divorce are that the spouses are of age and do not need a guardian; they must have been married for more than a year; they may have children, and there may be property to share out. In this case an application signed by both spouses must be submitted which must include a statement that it is their decision to divorce voluntarily. This application must be accompanied by an agreement regularizing the situation of their children and the sharing of the property. In this type of divorce two allowances are fixed: (a) one while the case is proceeding, and (b) one for when the case is concluded and the decree becomes enforceable. These allowances for the children are fixed in accordance with the capacity of the payer and the needs of the recipients. The wife is responsible for paying the allowance on the same conditions as the husband.

Necessary divorce is when the parties are not in agreement and one of them applies for divorce on the grounds laid down in Article 267 of the Civil Code.

In addition there are various provisions in the Civil Code relating to dissolution of the marriage bond which state that:

> "When a spouse has applied for divorce or annulment of the marriage on grounds which were unjustified or inadequate, the other spouse in his turn has the right to petition for divorce, but may not do so until three months after notification of the previous decision. During these three months the couple are not forced to live together." (Article 268).
>
> "Either of the spouses may petition for divorce on the grounds of adultery by the other. This case lasts for six months from the time the adultery was known." (Article 269).
>
> "Immoral acts by the husband or the wife aimed at corrupting the children, whether the children are borne of both spouses or only one of them, provide grounds for divorce. The corruption giving the right to petition for divorce must consist of positive acts, not merely of ommission." (Article 270).
>
> "When both spouses agree to divorce, they are of age, have no children and have jointly disposed of their common property if they were married under that regime, they shall appear personally before the registrar of the place where they are domiciled; they shall furnish certified documents proving that they are married and of mature age and shall state finally and explicitly their wish to divorce." (Article 272).

The Civil Code covers the case where one of the spouses suffers from illness or physical disorder. Paragraphs VI and VII of Article 267 mention, for example, syphilis, tuberculosis or any other chronic or incurable disease which is, moreover, contagious or hereditary, and incurable impotency which has manifested itself since the marriage, as well as incurable mental derangement. On this subject, Article 277 of the Civil Code states that a spouse who does not wish to petition for divorce on one of the grounds listed in paragraphs VI and VII of Article 267 may, nevertheless, request the suspension of the obligation to cohabit with the other, and the judge may, in full knowledge of the facts, order such suspension, although the other obligations inherent in the marriage remain.

"Divorce may be applied for only by the spouse who has provided no grounds for it, and within six months of the day when the facts on which he bases his application came to his notice." (Article 278).

"The spouse who gives grounds for divorce shall lose all that has been given or promised to him by his partner or by any other person in his consideration; the innocent spouse shall keep everything received and may claim anything promised to his benefit." (Article 286).

"Once the divorce is final, the joint property shall immediately be divided and the necessary arrangements made to guarantee the responsibilities remaining between the couple or in relation to their children. The divorced couple shall be responsible for contributing in accordance with their assets and income to the maintenance and education of their children until they come of age." (Article 287).

In the Articles mentioned above, men and women have the same rights and responsibilities on dissolution of the marriage.

71. Subparagraph 1 (d) of Article 16 stipulates that men and women shall have the same rights and responsibilities as parents and that the interests of the children shall be paramount.

Article 4 of the Constitution which establishes equality before the law also affirms categorically that the law shall protect the organization and development of the family. Clearly the children are included in the family organization and this is confirmed in the last paragraph of the above-mentioned Article which states that it is the duty of the parents to ensure that the right of minors to have their needs and physical and mental health attended to is guaranteed. The law shall determine the measures for the protection of minors in the care of public institutions.

On this topic, Article 165 of the Civil Code states that priority shall be given to maintenance for married couples and children in allocating the income and assets of whoever is financially responsible for the family and an assurance to this effect may be requested.

Similarly, in discussing subparagraph 1 (c) of Article 16, Article 168 of the Civil Code was cited which stipulates that husband and wife shall have equal authority and consideration in the home and shall therefore resolve jointly all questions relating to management of the household, the upbringing and education of their children and the administration of their property.

In addition, it is laid down that responsibility for maintenance is reciprocal between the spouses and that the one who provides it also has the right to request it in his turn.

Article 303 of the Civil Code stipulates that it is the responsibility of the parents to support their children. By support, the Civil Code means feed, clothe, lodge and provide assistance in times of sickness, and also for minors, pay the cost of primary education of the dependents and of providing them with an honest job, art or profession appropriate to their sex and personal circumstances.

72. Subparagraph 1 (e) of Article 16 stipulates that States Parties must ensure that men and women have the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

Article 4 of the Constitution has been cited repeatedly in this report; it states that men and women are equal before the law, that the law shall protect family organization and development and that all persons have the right to decide freely and responsibly on the number and spacing of their children; that it is the duty of the parents to maintain the rights of minors to have their needs and their physical and mental health attended to and that the law shall determine measures for the protection of minors in the care of public institutions.

In keeping with this article of the Constitution, the second paragraph of Article 162 of the Civil Code states that all persons have the right to decide freely, responsibly and in an informed manner on the number and spacing of their children. In marriage, this right shall be exercised jointly by the husband and wife.

And again, Article 3, paragraph II of the General Population Law states that the Secretariat of the Interior shall issue and implement or, where appropriate, promote through the competent departments or bodies measures for:
II. Family planning programmes through the education and public health services in the public sector and ensure that such programmes and those of private bodies are carried out with absolute respect for man's fundamental rights and to preserve family dignity, with the object of regulating rationally and steadying population growth, as well as achieving the best use of human and natural resources in the country.

The subject of family planning and the relevant programmes has been mentioned and analysed earlier in this report.

73. Subparagraph 1 (f) of Article 16 of the Convention requires States Parties to take all appropriate measures to ensure, on a basis of equality of men and women, the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.

With regard to guardianship, the Civil Code for the Federal District states that the purpose of guardianship is to guard the person and property of those who are not subject to parental authority and do not have natural or legal capacity, or who merely lack legal competence to look after themselves. Guardianship can also be used for temporary representation of the legally incompetent in special cases determined by the law. The guardian shall preferably take care of the personal needs of the legally incompetent person. Guardianship is subject to the care and education of minors in accordance with the provisions of the last part of Article 413 which states that parental authority is exercised on the person and property of the children. Its exercise, with respect to the care and education of minors, is dependent on the provisions laid down in accordance with the Law on Social Welfare of Juvenile Delinquents in the Federal District (Ley sobre Previsión Social de la Delincuencia Infantil en el Distrito Federal).

In our legislation there are three types of guardianship: testamentary, legitimate and dative.

Article 470 of the Civil Code stipulates that in testamentary guardianship the surviving ascendant of the two who in each degree must exercise parental authority as provided in Article 414 has the right, even if he/she is a minor, to name a guardian in his/her will for the persons subject to his authority, including a posthumous child.

Article 414 states that parental authority on the children of a marriage is exercised by:

I. The father and mother.

II. The paternal grandfather and grandmother.

III. The maternal grandfather and grandmother.

In relation to testamentary guardianship there is also a provision that a father who exercises guardianship over a child suffering from mental incapacity may name a testamentary guardian for him/her if the mother is deceased or cannot legally exercise guardianship. Equally, the mother can make a similar provision. It can be seen from the above that the father and mother have equal rights.

With respect to adoptive children it is similarly indicated that the adoptive parent who has parental authority has the right to appoint a testamentary guardian for his adoptive child.

Legitimate guardianship is required when: I. No one exercises parental authority or testamentary guardianship, and II. A guardian must be appointed due to divorce.

Legitimate guardianship is exercised by: I. The siblings, preferably those related on both sides, and II. In the absence or incapacity of siblings, by the other collaterals, up to and including the fourth degree.

Dative guardianship exists when: I. There is no testamentary guardian or person who legally exercises legitimate guardianship; II. The testamentary guardian is temporarily prevented from exercising his responsibility and there is no relative of those specified for legitimate guardianship.

Article 500 of the Civil Code provides that minors who are not under parental authority, or testamentary or legitimate guardianship and who have no property shall have a dative guardian appointed. Guardianship in this case shall be for the purpose of taking care of the person of the minor, so that he receives an education consonant with his financial situation and his capabilities.

For exercise of guardianship in general and to protect primarily the interests of the children, Mexican legislation provides that a guardian who administers property without being appointed administrator shall be liable for any damage or loss caused through legal incompetence and, in addition, shall be relieved of his guardianship; nor may any third party refuse to negotiate in legal or other matters by claiming the lack of an administrator.

According to Article 537 a guardian has the following responsibilities:

"I. To support and educate the incompetent;

"II. To devote the incompetent's resources primarily to curing his sickness or his rehabilitation if he is an alcoholic or habitual abuser of stimulant drugs;

"III. To draw up a serious and detailed inventory of the property of the incompetent, in the time limit specified by the judge, with the assistance of the administrator and the incompetent himself if he is capable of discrimination and has reached the age of 16.

"The time limit for drawing up the inventory may not exceed six months;

"IV. To administer the fortune of the incompetents. The ward shall be consulted for important administrative acts if he is capable of judgement and over 16 years old;

"The ward, not the guardian, has responsibility for any property he has earned;

"V. To represent the incompetent in court and outside in all civil actions with the exception of marriage, the acknowledgement of children, drawing up a will and other strictly personal acts;

"VI. To apply in due time for legal authorization for anything which cannot legally be done without it."

Likewise it is provided that the cost of supporting and educating a minor must be done in such a way that everything possible is provided in accordance with his circumstances and financial capacity.

On the question of wardship, Article 618 of the Civil Code states that all persons under guardianship, whether testamentary, legitimate or dative shall also have an administrator. And the persons eligible to appoint a guardian, as described earlier, also have the right to appoint an administrator. According to Article 626 the administrator's duties are: I. To defend the rights of the incompetent in court and outside it, exclusively in cases where they conflict with those of the guardian; II. Supervise the conduct of the guardian and bring to the knowledge of the judge anything he considers potentially damaging to the incompetent; III. Advise the judge in the matter of appointing a new guardian when the former one leaves or abandons the guardianship; and IV. Fulfil the other duties laid down by the law.

With regard to parental authority, this shall be exercised on minors who are not emancipated while any of the ascendants empowered to do so under the law are still alive. It shall be exercised on the person and property of the children and is dependent on the care and education of the minors.

Parental authority on children born out of wedlock who have been acknowledged shall be exercised by both parents if they live together.

If they live apart they shall agree which of them shall have custody; if they fail to do so, the Family Affairs Judge of the place shall consult the parents and the department of the public prosecutor and shall decide on what he considers to be the best interests of the minor.

Article 381 states that if acknowledgement is made successively by the parents and they do not live together, custody shall be exercised by the parent who first acknowledged the child, unless otherwise agreed by the parents, provided that the Family Judge of the place, in consultation with those concerned and with the department of the public prosecutor, sees no serious reason to modify the agreement.

Article 416 of the Civil Code provides that in the cases mentioned above, if for any reason one of the parents ceases to exercise parental authority, the other shall enter into exercise.

In the case of children born out of wedlock, if the parents who were living together separate and cannot agree on the matter, the parent designated by the judge in accordance with the interests of the child shall continue to exercise parental authority.

With respect to parental authority over adopted children, Article 419 stipulates that only the persons who adopted him may exercise it.

Finally, those exercising parental authority have rights and duties. Article 422 lays down the duty to give an appropriate education and if this is not complied with the Local Guardianship Councils (Consejos Locales de Tutela) shall inform the department of the public prosecutor so that appropriate action can be taken. With regard to rights, Article 423 states that persons exercising parental authority or having children in their care have the right to chastize them and the duty to conduct themselves so as to set a good example. If necessary, the authorities shall assist these persons by meting out warnings or punishment to give adequate support.

Another right which women have is that they do not lose their parental authority over the children of previous marriages even though they enter into a second or further marriage.

With reference to adoption, Articles 390 and 391 of the Civil Code lay down that:

"Persons over the age of 25, unmarried, in full exercise of their rights may adopt one or more minors or an incompetent even though the latter has reached his majority provided that the adoptive parent is 16 years older than the adoptee and also provides evidence that:

"I. He/she has adequate means to provide for the maintenance and education of the minor or the care and support of the incompetent, as though he was their own child, in accordance with the circumstances of the person applying to adopt;

"II. The adoption is beneficial for the person to be adopted; and

"III. That the adoptive parent is a person of good character.

"When special circumstances warrant it, the judge may authorize the adoption of two or more incompetents or of minors and incompetents simultaneously." (Article 390).

"A husband and wife may adopt when they are both agreed in considering the adopted person as their own child, even when only one of the couple complies with the age requirement referred to in the paragraph above, provided that the difference of age between each of the adoptive parents and the person adopted is not less than sixteen years." (Article 391).

Furthermore, Article 259 of the Civil Code for the Federal District in ordinary affairs and for the whole Republic in federal affairs states that after the decree of nullity (of the marriage) becomes final, the father and mother shall decide on the form and terms of the care and custody of their children and the judge shall give a final decision taking the circumstances of the case into account.

The judgement of a divorce case shall set forth the arrangements for the children. Article 284 states that before a final decision is made as to parental authority or guardianship for the children, on a petition from the grandparents, uncles and aunts or elder siblings, the judge may agree to any

measure considered beneficial to the minors. Moreover, to protect the minors, Article 285 stipulates that although the father and mother lose parental authority they remain responsible for all the duties they have towards their children.

74. Subparagraph 1 (g) of Article 16 requires States Parties to the Convention tc ensure that couples have the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

With regard to the right to choose a family name, it has become the custom for the husband's family name to be appended to the wife's; however, there is no obligation to do this and the woman therefore has freedom to choose her name.

On the question of the right to choose a profession and an occupation, in addition to the specific provision in Article 5 of the Constitution which states that no person may be prevented from following the profession, occupation, trade or work he wishes, provided they are legal, Article 169 of the Civil Code provides that the spouses may follow any occupation except those damaging to the morals or structure of the family. Either of them may oppose the other following a particular occupation and the judge shall give his decision on the matter.

Thus, as a consequence of legal equality between men and women in civil legislation, it has been established that women can take a job, follow a profession or occupation or enter into business without their husband's permission, provided that they do not neglect the household management and tasks.

75. Subparagraph 1 (h) of Article 16 stipulates that States Parties must ensure the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Article 172 of the Civil Code states that the husband and the wife who are of age, are legally competent to administer, enter into contract and dispose of their own property and to appear in court or oppose any litigation concerning it, without either needing the other's permission except as stipulated in the marriage settlement on the administration of property.

Other provisions of the Civil Code on the subject are:

"A husband and wife who are minors shall be able to administer their property, as stated in the preceding article, but must have legal authorization to alienate, encumber or mortgage it, and have a guardian for their legal business." (Article 173).

"The spouses require legal authorization for contracts between them, except when the contract is a writ for litigation and recovery of debts or for administrative acts." (Article 174).

"Legal authorization is also required when one spouse is guarantor for the other or they bind themselves jointly on matters which are in the sole interests of one of them, except where one stands bail so that the other can be released.

"Legal authorization will not be granted for the cases referred to in this and the two preceding articles if it would result in harming the interests of the family or of either spouse." (Article 175).

"A contract of sale may only be concluded between the spouses when the marriage is under the separate property regime." (Article 176).

"During marriage the husband and wife may exercise rights and bring law suits against each other but the prescription between them does not apply while the marriage lasts." (Article 177).

76. Paragraph 2 of Article 16 of the Convention states that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

In Mexico there are legislative provisions fixing the minimum age for marriage.

In connection with the first part of paragraph 2 relating to betrothal, Articles 139 and 140 of our civil legislation state that a written promise of marriage which is accepted constitutes betrothal and that betrothal can take place only when the man is over 16 and the woman over 14 years of age.

Furthermore, Articles 141 and 142 state that:

"When the betrothed are under age, the betrothal has no legal effect unless their legal representatives have agreed to it." (Article 141).

"Betrothal does not imply an obligation to marry and may not stipulate any penalty if the promise is not fulfilled." (Article 142).

In addition, the chapter which lays down the requirements for marriage also fixes the minimum age for it.

"To enter into marriage, the man must be over 16 and the woman over 14 years old. The Chief of the Federal District Department or the Deputies as appropriate can give dispensations from the age limit for serious justifiable grounds." (Article 148).

Article 149 provides that a son or daughter who has not yet reached the age of 18 may not enter into marriage without permission from the father or mother if both are alive or from the surviving parent. The mother has this right even if she has remarried if the child lives with her. If there are no parents, or it is impossible to obtain their permission, that of the paternal grandparents, if both are alive, or of the survivor, is needed; if this is impossible, the consent of the maternal grandparents, if both are alive, or of the survivor, is required.

"If there are no parents or grandparents, the consent of the guardians is needed; and in their absence, the Family Affairs Judge of the place of residence of the minor may give the consent." (Article 150).

"The persons concerned may apply to the Chief of the Federal District Department or to the Deputies as appropriate when their ascendants or guardians refuse consent or revoke it. These authorities shall investigate the matter and grant or refuse consent." (Article 151).

"If the judge, in the circumstances referred to in Article 150, refuses consent for marriage, the applicants may appeal to the competent higher court, under the provisions of the Civil Procedures Code." (Article 152).

"The following constitute impediments to marriage:

"I. Being under the legal age, unless dispensation has been granted;

"II. Lack of consent by the person(s) exercising parental authority, or by the guardian or judge, as appropriate." (Article 156).

The only impediments not eligible for dispensation are being under age and having a blood relationship in the unequal collateral line.

The obligation to enter the marriage in the official register is covered by the pertinent articles of the Civil Code.

Article 97 of the Civil Code states that persons wishing to enter into matrimony shall submit a written dossier containing all the legal requirements to the registrar of the place of residence of one of them.

With regard to the subject of the paragraph under discussion, in Mexico it is the Civil Registrar who authorizes registration of civil status and issues certificates relating to birth, acknowledgement of children, adoption, marriage, administrative divorce and death of Mexicans and foreign residents, as well as registering judgements of disappearance, presumed death, judicial divorce, guardianship, and the loss or restriction of legal competence to administer property.

Article 36 of the Civil Code states that Civil Registrars shall enter on special forms called civil registration forms the certificates mentioned in the previous paragraph.

## FINAL COMMENTS

77. It is not deemed necessary to comment on Part V of the Convention which discusses the establishment of a Committee on the Elimination of Discrimination against Women and the provisions for its composition; the method for electing its members and for the filling of casual vacancies; the approval of its rules of procedure, its meetings and the information it must submit through the Economic and Social Council to the General Assembly of the United Nations, and to the Commission on the Status of Women, and also the submission to the Secretary-General of the United Nations of reports by States Parties for examination.

The Government of Mexico considers that the commentary provided herein complies with the undertaking contained in subparagraph 1 (a) of Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women which states that: "States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect: (a) Within one year after the entry into force for the State concerned".

Finally, it should be noted that the Government of Mexico deposited its ratification of the aforementioned international instrument on 23 March 1981 and therefore, under Article 133 of the Political Constitution of the United Mexican States cited below, this Convention forms part of the supreme law of the whole Union.

Article 133 of the Constitution states that the Constitution, the laws of the Congress of the Union which emanate from it and all the treaties which are concluded already or in the future in accordance with it by the President of the Republic, with the approval of the Senate, shall constitute the supreme law of the Union. The judges of all States shall conform to the Constitution, laws and treaties, notwithstanding any provisions to the contrary which there might be in the Constitutions or laws of the States.